

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 19, 2016

Mr. Charles Gurney, Director, Environmental Management
Weingarten Realty Investors, LLC
2600 Citadel Plaza Drive
Houston, Texas 77008

Re: Municipal Setting Designation (MSD) Certificate for Weingarten Realty
Investors, LLC, Westmont Shopping Center, 6460 Phelan Boulevard, Beaumont,
Jefferson County, Texas; MSD No. 302; Customer No. CN600134035; Regulated
Entity No. RN105786222

Dear Mr. Gurney:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on September 17, 2015 and additional information supporting this MSD application on August 11, 2016. 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) 239-3737 or via e-mail (Joanna.Manning@tceq.texas.gov).

Sincerely,

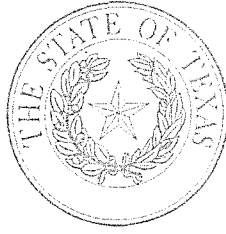

Joanna Manning, Project Manager
VCP-CA Section
Remediation Division

JAM/jdm

cc: Ms. Laurie Rodriguez, P.G., Arcadis (via email)
Ms. Marilyn Gates, Waste Section Manager, TCEQ Beaumont Region Office, R-10

Enclosure: MSD Certificate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS 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. 302, in the City of Beaumont, 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 13th day of September, 2016

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

EXHIBIT "A"

PROPERTY DESCRIPTION

TRACT I:

8.902 acres of land, more or less, out of Lot 6, Block "C" of the T. H. Langham Subdivision located along the East side of Dowlen Road North of the abandoned Missouri-Pacific Railroad Right-of-way in the H. Williams League, Abstract 56, City of Beaumont, Jefferson County, and being more particularly described by metes and bounds, as follows, to-wit:

BEGINNING at a "1/2" iron pin for the Southwest corner of the herein described tract of hand, said iron pin lies North 0° 10 minutes 30 seconds East a distance of 359.51 feet from a "1/2" rebar which marks the intersection of the Northwesterly line of the abandoned Missouri-Pacific Railroad Company, 50 foot wide Right-of-way with the Easterly line of Dowlen Road a 100 foot wide Right-of-way;

THENCE along the first course and along the easterly line of Dowlen Road and the westerly line of the herein described tract North 0° 10 minutes 30 seconds East for a distance of 430.00 feet to a point for the northwest corner of the herein described tract;

THENCE South 89° 49 minutes 30 seconds East for a distance of 730.00 feet to a point for the Northeast corner, said corner being in the centerline of a 60 foot right-of-way of Plaza Drive when extended northward;

THENCE South 00° 10 minutes 30 seconds West along the centerline of the proposed extension of Plaza Drive for a distance of 225.94 feet to the point of curve of a curve bearing to the left;

THENCE continuing along said centerline and along the arc of said curve to the left having a radius of 175.00 feet a central angle of 25° 50 minutes, and a tangent distance of 40.13 feet for an arc distance of 78.90 feet to the point of tangency of said curve;

THENCE continuing along the centerline of proposed Plaza Drive South 25° 39 minutes 30 seconds East for a distance of 112.89 feet to the Southeast corner of the herein described tract, said corner being in the Northwesterly abandoned right-of-way line of the Missouri-Pacific Railroad Company;

THENCE South 64° 20 minutes 30 seconds West along the Northwesterly abandoned Right-of-way line of the Missouri-Pacific Railroad Company for a distance of 885.15 feet to a "1/2" iron rebar also marks the intersection of the Northwest line of the abandoned Missouri-Pacific Railroad Company 50 foot wide Right-of-way with the Easterly line of Dowlen road a 100 foot wide Right-of-way;

THENCE along the Easterly line of Dowlen Road and the Westerly line of the herein described tract North 00° 10 minutes 30 seconds East for a distance of 27.78 feet to a point for a corner of the herein described tract;

THENCE North 64° 20 minutes 30 seconds East along a line 25 feet distance Northwesterly from and parallel to the Northwesterly line of 50 foot wide abandoned Right-of-way of the Missouri-Pacific Railroad Company for a distance of 264.94 feet to a corner;

THENCE North 00°10 minutes 30 seconds East along a line 238.47 feet distant from and parallel to the Easterly Right-of-way line of the Dowlen Road for a distance of 216.28 feet to a point for corner;

THENCE North 89° 49 minutes 30 seconds West for a distance of 238.47 feet to the PLACE OF BEGINNING, (which tract is also herein called "Tract I").

SAVE AND EXCEPT THE FOLLOWING TRACT OF LAND:

All that certain tract of land being approximately 0.816 acres out of Lot 6, Block "C" of the T. H. Langham Subdivision located along the East side of Dowlen Road, North of the abandoned Missouri-Pacific Railroad right-of-way in the H. Williams League, Abstract 56, City of Beaumont, Jefferson County, Texas, the said tract being more fully bounded and described as follows:

BEGINNING at a "1/2" rebar for the Southwest corner of the herein described tract of land said iron rebar also marks the intersection of the Northwesterly line of the abandoned Missouri-Pacific Railroad Company 50 foot wide right-of-way with the Easterly line of Dowlen Road, a 100 foot wide right-of-way;

THENCE along the first course and along the Easterly line of Dowlen Road and the Westerly line of the herein described tract North 00° 10' 30" East for a distance of 27.78 feet to a point for the herein described tract;

THENCE North 64° 20' 30" East along a line 25 feet distant Northwesterly from and parallel to the Northwesterly line of 50 foot wide abandoned right-of-way of the Missouri-Pacific Railroad Company for a distance of 264.94 feet to a corner;

THENCE North 00° 10' 30" East along a line 238.47 feet distant from and parallel to the Easterly right-of-way line of the Dowlen Road for a distance of 27.78 feet to a point for corner;

THENCE North 64° 20' 30" East along a line 50 feet wide abandoned right-of-way of the Missouri-Pacific Railroad Company for a distance of 595.99 feet to Northeast corner of this tract of land, said point also lies in the centerline of the 60 foot right-of-way of the proposed northward extension of Plaza Drive;

THENCE South 25° 39' 30 East along the centerline of the 60 foot right-of-way of the proposed Plaza Drive for a distance of 50 feet to the Southeasterly corner of the herein described tract of land, said corner lies in the Northwesterly abandoned right-of-way line of the Missouri-Pacific Railroad Company;

THENCE South 64° 20' 30" West along the Northwesterly abandoned right-of-way line of the Missouri-Pacific Railroad Company for a distance of 885.15 feet to the PLACE OF BEGINNING.

TRACT II:

3.451 acres of land, more or less, being Lot 2, Lot 3 and part of Lot 1, Block 2, WESTGATE CITY, UNIT 1, plat of which appears in Volume 10, page 170 Map Records of Jefferson County, Texas, said tract being located in the H. Williams League, Abstract 56, Beaumont, Jefferson County, Texas and being more particularly described by metes and bounds, as follows, to-wit;

BEGINNING at a concrete monument which marks a point of intersection of the Southeast line of the abandoned Missouri-Pacific Railroad Company's 50 foot wide right-of-way with the West line of Plaza Drive, an 87 foot wide right-of-way;

THENCE with a West line of Plaza Drive South 25° 39 minutes 30 seconds East for a distance of 25 feet to a concrete monument at the point of curvature of a curve to the right;

THENCE along the arc of a curve to the right having a central angle of 21° 54 minutes 25 seconds, tangent distance of 39.96 feet, and a radius of 206.50 feet, for an arc distance of 78.95 feet to a concrete monument for corner at the point of tangency of said curve;

THENCE South 3° 45 minutes 05 seconds East for a distance of 69.29 feet to a point for corner, said corner being the most Northeast corner of Texaco, Inc, 0.540 acre tract;

THENCE South 70° 25 minutes 36 seconds West along the Northerly line of Texaco, Inc. tract for a distance of 158.4 feet to a point for corner in the West line of Lot 1, and the East line of Lot 2, Block 2, Westgate City, Unit I;

THENCE with the common lot line between Lot 1 and Lot 2, Block 2, Westgate City Unit 1 and along the West line of Texaco, Inc.'s 0.540 acre tract South 01° 39 minutes 30 seconds East for a distance of 150.00 feet to a point for corner in the North line of Calder Road and the South line of Block 2;

THENCE with the North line of Calder Road and the South line of Block 2, South 71° 33 minutes 30 seconds West for a distance of 112.81 feet to a concrete monument at the intersection of the North line of Calder Road with North line of Dowlen Road;

THENCE South 89° 42 minutes 00 seconds West along the North line of Dowlen Road for a distance of 519.27 feet to a concrete monument for corner;

THENCE North 50° 40 minutes 30 seconds West along the Northeasterly line of Dowlen Road for a distance of 55.19 feet to a concrete monument for the most Westerly Northwest corner of Block 2, Westgate City, Unit 1, said monument being located at the point of intersection of the

Northeasterly line of Dowlen Road with the Southeasterly line of aforesaid Missouri-Pacific Railroad Company's abandoned 50 foot wide right-of-way;

THENCE with the Southeasterly line of said Missouri-Pacific Railroad Company's abandoned right-of-way North 64° 20 minutes 30 seconds East for a distance of 863.85 feet to the PLACE OF BEGINNING, (which tract is also herein called "Tract II")

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Charles Gurney, as an authorized representative of
Weingarten Realty Investors, 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)

- [X] The MSD eligibility criteria of THSC Section 361.803 are satisfied.
[X] 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.
[X] A true and accurate copy of a legal description of the proposed MSD property is
included with the application.
[X] Notice has been provided in accordance with THSC 361.805.
[X] 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.

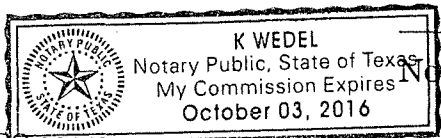
Charles Gurney
Signature

Date: 8/26/16

Charles Gurney
Printed Name
Director Environmental Management
Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 26 day of
August 2016, to which witness my hand and seal of office.



[Signature]
Notary Public in and for the State of Texas