

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 17, 2017

Mr. Eric Overton, Project Manager
JLB Realty, LLC
3890 West Northwest Hwy, 7th floor
Dallas, Texas 75220

Re: Municipal Setting Designation (MSD) Certificate for JLB Realty, LLC, 2015 West Dallas Street Parcel, 2606 – 2616 West Dallas Street, Houston, Harris County, TX; MSD No. 336; Customer No. CN604160903; Regulated Entity No. RN106548456

Dear Mr. Overton:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on August 20, 2016 and additional information supporting this MSD application on December 20, 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) 239-1107 or via e-mail (kirk.coulter@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Coulter".

Kirk Coulter, Project Manager, P.G.
VCP-CA Section
Remediation Division

KEC/jdm

cc: Mr. Frank Clark, PE, PG, W&M Environmental Group, Inc., 906 East 18th Street,
Suite 100, Plano, TX 75074

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

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. 336, 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 17th day of January, 2017

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

PARCEL 3
METES AND BOUNDS DESCRIPTION
0.2486 ACRE BEING A PORTION OF
LOTS 5, 10 AND 11 AND ALL OF LOT 4, BLOCK 4
LAUREL PARK ADDITION
JOHN AUSTIN SURVEY, ABSTRACT 1
HOUSTON, HARRIS COUNTY, TEXAS

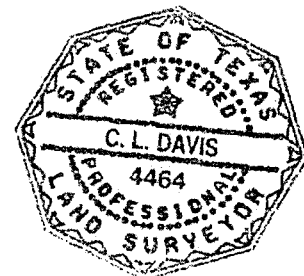
All that certain 0.2486 acre being a portion of Lots 5, 10 and 11 and all of Lot 4, Block 4, Laurel Park Addition according to the plat thereof as filed in Volume 175, Page 287 Harris County Deed Records, John Austin Survey, Abstract No. 1, Houston, Harris County, Texas and being more particularly described by metes and bounds as follows (bearings based on record plat of American General Center Section One, as filed in Film Code Number 564105 Harris County Map Records);

Commencing at a found "X" cut in concrete marking the intersection of the north right-of-way line of West Dallas Avenue (width varies) and the west right-of-way line of Wilkinson Street (30' wide) and the southeast corner of said Block 4; Thence S 86° 45' 46" W – 105.00' with the north right-of-way line of said West Dallas Avenue to a set 5/8" iron rod with cap (stamped C. L. DAVIS – RPLS 4464) marking the POINT OF BEGINNING of herein described tract;

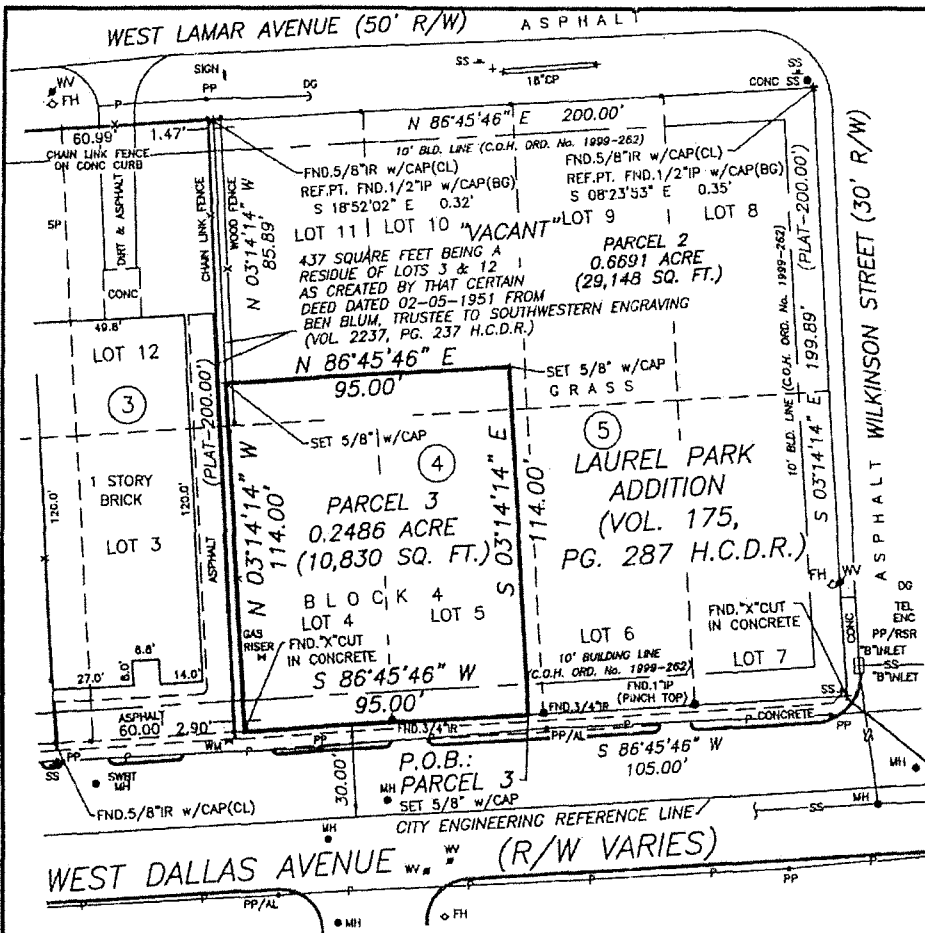
1. Thence S 86° 45' 46" W – 95.00' continuing with the north right-of-way of said West Dallas Avenue to a found "X" cut in concrete for corner;
2. Thence N 03° 14' 14" W – 114.00' with the west line of said Lot 4 and Lot 11 to a set 5/8" iron rod with cap (stamped C. L. DAVIS – RPLS 4464) for corner;
3. Thence N 86° 45' 46" E – 95.00' to a set 5/8" iron rod with cap (stamped C. L. DAVIS – RPLS 4464) for corner;
4. Thence S 03° 14' 14" E – 114.00' to the POINT OF BEGINNING and containing 0.2486 acre (10,830 square feet) of land more or less.

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by: C.L. Davis & Company
Job Number: 15-50 Parcel 3-2012 M&B.doc
07-10-2012

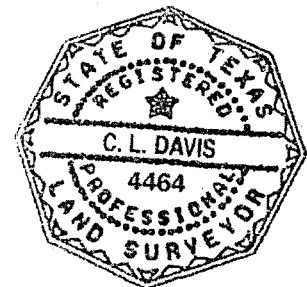


A handwritten signature or set of initials, possibly "C.L.D.", written in black ink to the right of the surveyor's seal.



PARCEL 3 OWNERSHIPS (LAUREL PARK ADDITION)
(INCLUDES ADJOINER TRACTS)

- ③ PART OF LOTS 2, 3, 12, & 13, BLOCK 4
ROSS McELREATH AND JON BERT McELREATH,
CO-TRUSTEES
TO
SAM ROSS McELREATH ELECTROTYPE COMPANY
H-506604 018-85-0247
06-21-1982
ALSO SEE:
QUITCLAIM DEED
MARK PECKHAM McELREATH
TO
SAM ROSS McELREATH ELECTROTYPE
COMPANY
H-517045 018-98-1728
06-21-1982
- ④ LOTS 2-4, BLOCK 1 &
LOTS 4, 5, 10 & 11, BLOCK 4
KNICKERBOCKER CORPORATION
TO
AMERICAN GENERAL LIFE
INSURANCE COMPANY
E-163683 104-07-0675
05-23-1974
- ⑤ LOT 6 & 9, BLOCK 4
GRETCHEN REICHARDT
TO
KNICKERBOCKER CORPORATION
E-188069 105-17-0663
06-21-1974
- CORRECTION DEED
ROSS McELREATH, ET AL, CO-EXECUTORS
TO
ROSS McELREATH, ET AL, TRUSTEES
H-397161 011-86-0489
03-31-1982



10/03/2012 DATE
C. L. DAVIS SIGNATURE
4464 R.P.L.S. No.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND ON 10-03-2012 AND THAT THIS DRAWING SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION 2 SURVEY.

THIS CERTIFICATION IS REVOKED AND THE SURVEY NULL AND VOID IF THIS DOCUMENT IS ALTERED IN ANY MANNER, OR DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR.

C.L. DAVIS & CO. 1500 WINDING WAY FRIENDSWOOD, TEXAS 77546 LAND SURVEYING 281-482-9490		
BOUNDARY SURVEY		
0.2486 ACRE BEING ALL OF LOT 4 AND A PORTION OF LOTS 5, 10 AND 11 BLOCK 4 LAUREL PARK ADDITION (VOL. 175, PG. 287 H.C.D.R.) JOHN AUSTIN SURVEY, ABSTRACT 1 HOUSTON, HARRIS COUNTY, TEXAS		
DATE: 10-03-2012	SCALE: 1" = 60'	JOB NO.: 15-30
DWG. 15-50B-2007-PRIVATE DRIVE		

NOTES:

- THE SURVEYOR HAS RELIED ON THE COMMITMENT FOR TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, G.F. NO. 1033003971, EFFECTIVE DATE 11-07-2011, WITH REGARD TO RECORD ENCUMBRANCES. THE PROPERTY SURVEYED IS THAT DESCRIBED IN SCHEDULE A OF SAID COMMITMENT AND THE EASEMENTS, RIGHTS-OF-WAY OR OTHER MATTERS LISTED IN SCHEDULE B ARE SHOWN HEREON TO THE EXTENT THAT SUCH ITEMS CAN BE LOCATED OR PLOTTED.
- THE BEARINGS SHOWN ARE BASED ON THE RECORD PLAT OF AMERICAN GENERAL CENTER SECTION ONE, SAID RECORD PLAT REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
- THE SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN ZONE X-UNSHADED, ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48201C0670L, DATED 06-18-2007. THIS DETERMINATION HAS BEEN MADE BY SCALING THE PROPERTY ON THE REFERENCED MAP AND IS NOT A RESULT OF AN ELEVATION SURVEY.
- THE BUILDINGS OR IMPROVEMENTS SHOWN HEREON REPRESENT THE OUTLINE AT GROUND SURFACE LEVEL, UNLESS OTHERWISE NOTED.
- THE UTILITY APPURTENANCES (i.e., utility poles, inlets, etc.) SHOWN HEREON ARE THOSE VISIBLE AT THE TIME OF SURVEY AND MAY NOT BE COMPLETE.
- FUTURE DEVELOPMENT OF THIS SITE IS SUBJECT TO CITY OF HOUSTON ORDINANCE No. 1999-262, ADOPTED BY THE CITY OF HOUSTON RELATING TO RULES, REGULATIONS, PROCEDURES AND DESIGN STANDARDS FOR DEVELOPMENT AND PLATTING AND PROVIDING FOR THE ESTABLISHING OF BUILDING SET-BACK LINES.
- UNDERGROUND UTILITIES SHOWN BASED ON CITY OF HOUSTON DRAWINGS & UTILITY COMPANY BLOCK MAPS, WITH FIELD TIES TO EXISTING SURFACE FIXTURES. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF UNDERGROUND UTILITIES.
- ALL SET CAPPED RODS STAMPED "C.L. DAVIS, RPLS 4464".
- THIS SURVEY PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION PER TEXAS BOARD OF PROFESSIONAL LAND SURVEYOR'S "GENERAL RULES OF PROCEDURES AND PRACTICES" SECTION 663.19(9).

EXHIBIT "A"
PAGE 2 OF 2

MSD 336

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Bay W. Miltenberger, as an authorized representative of JLB 2400 West Dallas L.P., 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.

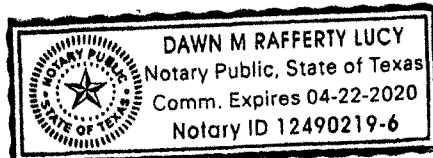
[Signature]
Signature

Date: 06/13/2016

Bay W. Miltenberger
Printed Name

Manager
Title

STATE OF Texas
COUNTY OF Dallas



SUBSCRIBED AND SWORN before me on this the 13th day of June 2016, to which witness my hand and seal of office.

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