

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*

August 28, 2017

Mr. Stuart Pielop.  
National Flame and Forge Inc.  
P.O. Box 7385  
Houston, Texas 77008

Re: National Flame and Forge- Tract 2, located at 349 west 24<sup>th</sup> street, Houston, Harris County, Texas; Voluntary Cleanup Program (VCP) No. 2391; RN100660075; CN 602858672, TX; Municipal Setting Designation (MSD) No. 354

Dear Mr. Pielop:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on February 27, 2017 and additional information supporting this MSD application on June 16, 2017 and July 31, 2017. 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) 239-2445 or via e-mail [Otu.Ekpo-Otu@tceq.texas.gov](mailto:Otu.Ekpo-Otu@tceq.texas.gov).

Sincerely,



Otu Ekpo-Otu, P.G., Project Manager  
VCP-CA Section  
Remediation Division

OE/jdm

cc: 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):

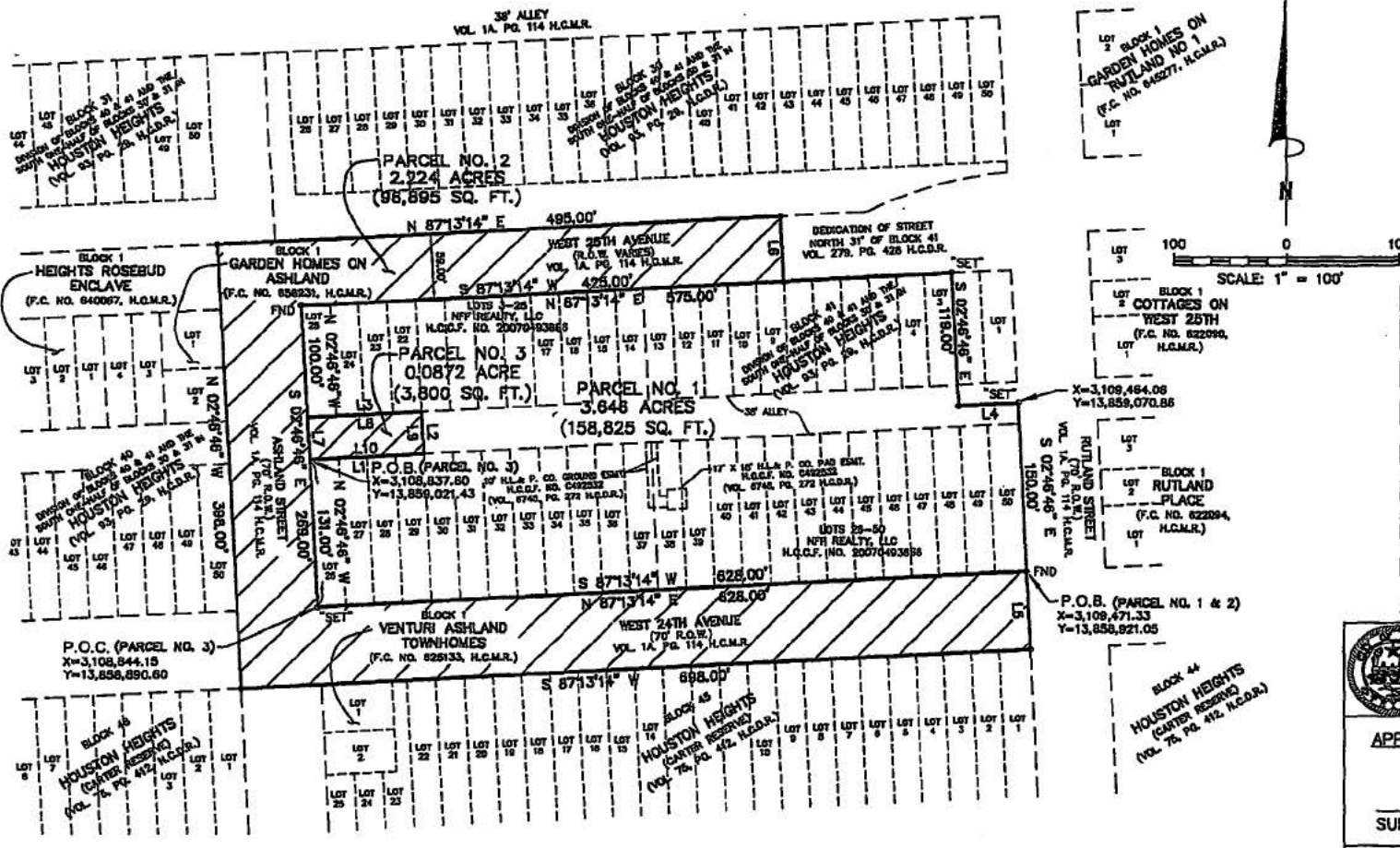
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 354, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit 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 24<sup>th</sup> day of August, 2017

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality



NOTES:

1. THERE IS A SEPARATE METES AND BOUNDS DESCRIPTION OF THIS EASEMENT.
2. CORNERS HAVE NOT BEEN STAKED, UNLESS NOTED OTHERWISE.
3. BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83), COORDINATES REFERENCED HEREON ARE GRID AND MAY BE CONVERTED TO SURFACE BY APPLYING THE COMBINED SCALE FACTOR OF 0.999870017.

AN EXHIBIT OF  
THREE (3) PARCELS  
JOHN AUSTIN SURVEY, A-1  
CITY OF HOUSTON, HARRIS COUNTY, TEXAS

**TERRA**  
SURVEYING CO., INC.  
3000 WILCREST DRIVE  
SUITE 210  
HOUSTON, TEXAS 77042  
(713) 993-0327  
FAX (713) 993-9231

KEY MAP: 482 V
FIELD BOOK:
SCALE: 1" = 100'
JOB NO. 1617-1447-S
DATE: SEPTEMBER 23, 2016
DRAWN BY: TSC
CHECKED BY:
DWG. NO.

**CITY OF HOUSTON  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT**

APPROVAL	DATE
SURVEY SECTION	RIGHT OF WAY SECTION
KEY MAP No. 452 V	GIMS MAP No. 5359c
PARCEL NO.	
JOB NO.	
WBS NO.	
C.M. NO.	

LINE	BEARING	DISTANCE
L1	N 87°13'14" E	100.00'
L2	N 02°48'48" W	38.00'
L3	S 87°13'14" W	100.00'
L4	N 87°13'14" E	53.00'
L5	S 02°48'48" E	70.00'
L6	S 02°48'48" E	89.00'
L7	N 02°48'48" W	38.00'
L8	N 87°13'14" E	100.00'
L9	S 02°48'48" E	38.00'
L10	S 87°13'14" W	100.00'

**ABBREVIATIONS LEGEND:**

- ESMT EASEMENT
- F.C. FILM CODE
- FND FOUND 8/8" IR
- H.C.C.F. HARRIS COUNTY CLERK'S FILE
- H.C.D.R. HARRIS COUNTY DEED RECORDS
- H.C.M.R. HARRIS COUNTY MAP RECORDS
- IR IRON ROD
- NO. NUMBER
- PC PACE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- R.O.W. RIGHT-OF-WAY
- SET SET 8/8" IR W/TERRA CAP
- VOL. VOLUME
- W/ WITH



**METES AND BOUNDS DESCRIPTION**  
**0.0872 ACRE (3,800 SQUARE FEET)**  
**PARCEL NUMBER \_\_\_\_\_**  
**JOHN AUSTIN SURVEY, ABSTRACT NUMBER 1**  
**CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

Being a tract or parcel containing 0.0872 acre (3,800 square feet) of land, situated in the John Austin Survey, Abstract Number 1, City of Houston, Harris County, Texas; being out of and a part of a 38-foot alley in Block 41, Division of Block 40 & 41 and the South One-Half of Blocks 30 & 31 in HOUSTON HEIGHTS, a subdivision plat of record in Volume 93, Page 29, Harris County Deed Records; the herein described 0.0872 acre tract being more particularly described by metes and bounds as follows (bearings herein are grid bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD 83 (NA2011); distances are surface distances based on the U.S. Survey Foot and may be converted to grid by multiplying by a combined scale factor of 0.999870017):

**COMMENCING** at a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING", set (X=3,108,844.15, Y=13,858,890.60), marking the intersection of the east right-of-way (R.O.W.) line of Ashland Drive (70 feet wide) and the north R.O.W. line of West 24<sup>TH</sup> Avenue (70 feet wide), both as dedicated by HOUSTON HEIGHTS ADDITION, a subdivision of record in Volume 1A, Page 114, Harris County Map Records; also marking the southwest corner of said Block 41;

**THENCE**, North 02°46'46" West, along the east R.O.W. line of said Ashland Drive and the west line of said Block 41, a distance of 131.00 feet to the **POINT OF BEGINNING** (X=3,108,837.80, Y=13,859,021.43) and the southwest corner of the herein described parcel;

**THENCE**, North 02°46'46" West, continuing along the east R.O.W. line of said Ashland Drive and the west line of said Block 41, a distance of 38.00 feet to a point for the northwest corner of the herein described parcel;

**THENCE**, North 87°13'14" East, departing the east R.O.W. line of said Ashland Drive and the west line of said Block 41, over and across said Block 41, a distance of 100.00 feet to a point for a northeast corner of the herein described parcel;

**THENCE**, South 02°46'46" East, over and across said 38-foot alley, a distance of 38.00 feet to a point for the southeast corner of the herein described parcel;

THENCE, South 87°13'14" West, a distance of 100.00 feet to the POINT OF BEGINNING and containing 0.0872 acre (3,800 square feet) of land.

There also exists a separate exhibit prepared by Terra Surveying Company, Inc., under Project Number 1617-1447-S, of even date.

Compiled by: Jerry Scott  
Reviewed by: George Collison, RPLS  
Terra Surveying Company, Inc.  
3000 Wilcrest Drive, Suite 210  
Houston, Texas 77042  
713-993-0327  
September 18, 2015  
1617-1447\_38x100 Alley\_mbs.doc



**METES AND BOUNDS DESCRIPTION**  
**2.224 ACRES (96,895 SQUARE FEET)**  
**PARCEL NUMBER \_\_\_\_\_**  
**JOHN AUSTIN SURVEY, ABSTRACT NUMBER 1**  
**CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

Being a tract or parcel containing 2.224 acres (96,895 square feet) of land, situated in the John Austin Survey, Abstract Number 1, City of Houston, Harris County, Texas; being portions of West 24<sup>TH</sup> Avenue (70 feet wide), Ashland Street (70 feet wide) and West 25<sup>TH</sup> Avenue (R.O.W. Varies), all rights-of-way dedicated by HOUSTON HEIGHTS ADDITION, a subdivision plat of record in Volume 1A, Page 114, Harris County Map Records; the herein described 2.224 acre tract being more particularly described by metes and bounds as follows (bearings herein are grid bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD 83 (NA2011); distances are surface distances based on the U.S. Survey Foot and may be converted to grid by multiplying by a combined scale factor of 0.999870017):

**BEGINNING** at a found 1" x 1" iron bar (X=3,109,471.33, Y=13,858,921.05), marking the intersection of the west right-of-way (R.O.W.) line of Rutland Street (70 feet wide), as dedicated by said Houston Heights Addition and the north R.O.W. line of said West 24<sup>TH</sup> Avenue, also marking the southeast corner of said Block 41 of HOUSTON HEIGHTS, a subdivision plat of record in Volume 93, page 29, Harris County Deed Records, said iron bar being South 02°46'46" East, a distance of 150.00 feet from a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING", set (X=3,109,464.06, Y=13,859,070.86);

**THENCE**, South 02°46'46" East, over and across the R.O.W. of said West 24<sup>TH</sup> Avenue, a distance of 70.00 feet to a point for the northeast corner of Block 45 of said Houston Heights;

**THENCE**, South 87°13'14" West, along the north line of said Block 45, at a distance of 628.00 feet pass the northwest corner of said Block 45, continuing across the aforesaid Ashland Street, a total distance of 698.00 feet to a point for a northeast corner of Block 46 of said Houston Heights;

**THENCE**, North 02°46'46" West, over and across the R.O.W. of said West 24<sup>TH</sup> Avenue, at a distance of 70.00 feet pass the southeast corner of Block 40 of said Houston Heights, continuing along the east line of said Block 40 and the west R.O.W. line of said Ashland Street, at a distance of 339.00 feet pass the northeast corner of said Block 40, continuing over and across the R.O.W. of the aforesaid West 25<sup>TH</sup> Avenue, a total distance of 398.00 feet to a point in the north R.O.W. line of said West 25<sup>TH</sup> Avenue;

**THENCE**, North 87°13'14" East, along the north R.O.W. line of said West 25<sup>TH</sup> Avenue, a distance of 495.00 feet a point;

THENCE, South 02°46'46" East, over and across the R.O.W. of said West 25<sup>TH</sup> Avenue, a distance of 70.00 feet to a point in the north line of the aforesaid Block 41 and the south R.O.W. line of said West 25<sup>TH</sup> Avenue;

THENCE, South 87°13'14" West, along the north line of said Block 41 and the south R.O.W. line of said West 25<sup>TH</sup> Avenue, a distance of 425.00 feet a found 5/8-inch iron rod marking the northwest corner of said Block 41;

THENCE, South 02°46'46" East, along the west line of said Block 41 and the east R.O.W. line of the aforesaid Ashland Street, a distance of 269.00 feet a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING", set marking the southwest corner of said Block 41;

THENCE, North 87°13'14" East, along the south line of said Block 41 and the north R.O.W. line of the aforesaid West 24<sup>TH</sup> Avenue, a distance of 628.00 feet to the POINT OF BEGINNING and containing 2.224 acres (96,895 square feet) of land.

There also exists a separate exhibit prepared by Terra Surveying Company, Inc., under Project Number 1617-1447-S, of even date.

Compiled by: Jerry Scott  
Reviewed by: George Collison, RPLS  
Terra Surveying Company, Inc.  
3000 Wilcrest Drive, Suite 210  
Houston, Texas 77042  
713-993-0327  
September 18, 2015  
1617-1447\_Right of Way\_mbs.doc



**METES AND BOUNDS DESCRIPTION**  
**3.646 ACRES (158,825 SQUARE FEET)**  
**PARCEL NUMBER \_\_\_\_\_**  
**JOHN AUSTIN SURVEY, ABSTRACT NUMBER 1**  
**CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

Being a tract or parcel containing 3.646 acres (158,825 square feet) of land, situated in the John Austin Survey, Abstract Number 1, City of Houston, Harris County, Texas; being all of Lots 3-50 and a portion of a 38-foot alley in Block 41, Division of Block 40 & 41 and the South One-Half of Blocks 30 & 31 in HOUSTON HEIGHTS, a subdivision plat of record in Volume 93, Page 29, Harris County Deed Records; said Lots 3-50 recorded in the name of NFF Realty, LLC under Harris County Clerk's File Number 20070493666; the herein described 3.646 acre tract being more particularly described by metes and bounds as follows (bearings herein are grid bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD 83 (NA2011); distances are surface distances based on the U.S. Survey Foot and may be converted to grid by multiplying by a combined scale factor of 0.999870017):

**BEGINNING** at a found 1" x 1" iron bar (X=3,109,471.33, Y=13,858,921.05), marking the intersection of the west right-of-way (R.O.W.) line of Rutland Street (70 feet wide) and the north R.O.W. line of West 24<sup>TH</sup> Avenue (70 feet wide), both rights-of-way dedicated by HOUSTON HEIGHTS ADDITION, a subdivision plat of record in Volume 1A, Page 114, Harris County Map Records, also marking the southeast corner of said Block 41 and the southeast corner of the herein described tract, said iron bar being South 02°46'46" East, a distance of 150.00 feet from a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING", set (X=3,109,464.06, Y=13,859,070.86);

**THENCE**, South 87°13'14" West, along the north R.O.W. line of said West 24<sup>TH</sup> Avenue and the south line of said Block 41, a distance of 628.00 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING", set marking the intersection of the east R.O.W. line of Ashland Street (70 feet wide) of said Houston Heights Addition and the north R.O.W. line of said West 24<sup>TH</sup> Avenue, also marking the southwest corner of said Block 41 and the southwest corner of the herein described tract;

**THENCE**, North 02°46'46" West, along the east R.O.W. line of said Ashland Street and the west line of said Block 41, a distance of 131.00 feet to an angle point of the herein described tract;

**THENCE**, over and across said Block 41, the following three (3) courses and distances:

North 87°13'14" East, along the south line of the aforesaid 38-foot alley, a distance of 100.00 feet to an angle point of the herein described tract;



North 02°46'46" West, over and across said 38-foot alley, a distance of 38.00 feet to an angle point of the herein described tract;

South 87°13'14" West, along the north line of said 38-foot alley, a distance of 100.00 feet to a point in the east R.O.W. line of said Ashland Street and the west line of said Block 41 and for an angle point of the herein described tract;

THENCE, North 02°46'46" West, along the east R.O.W. line of said Ashland Street and the west line of said Block 41, a distance of 100.00 feet to a found 5/8-inch iron rod marking the intersection of the south R.O.W. line of West 25<sup>TH</sup> Avenue (R.O.W. varies) of said Houston Heights Addition and the east R.O.W. line of said Ashland Street, also marking the northwest corner of said Block 41 and the northwest corner of the herein described tract;

THENCE, North 87°13'14" East, along the south R.O.W. line of said West 25<sup>TH</sup> Avenue and the north line of said Block 41, a distance of 575.00 feet a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING", set marking the northeast corner of the herein described tract;

THENCE, South 02°46'46" East, over and across said Block 41, a distance of 119.00 feet to a point in the centerline of the aforesaid 38-foot alley for an angle point of the herein described tract;

THENCE, North 87°13'14" East, along the centerline of said 38-foot alley, a distance of 53.00 feet a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING", set in the west R.O.W. line of the aforesaid Rutland Street and in the east line of said Block 41, marking an angle point of the herein described tract;

THENCE, South 02°46'46" East, along the west R.O.W. line of said Rutland Street and the east line of said Block 41, a distance of 150.00 feet to the POINT OF BEGINNING and containing 3.646 acres (158,825 square feet) of land.

There also exists a separate exhibit prepared by Terra Surveying Company, Inc., under Project Number 1617-1447-S, of even date.

Compiled by: Jerry Scott  
 Reviewed by: George Collison, RPLS  
 Terra Surveying Company, Inc.  
 3000 Wilcrest Drive, Suite 210  
 Houston, Texas 77042  
 713-993-0327  
 September 18, 2015  
 1617-1447\_Subject tract\_mbs.doc



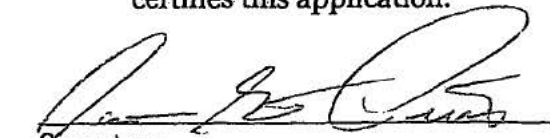
**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
Stuart Pielop, as an authorized representative of  
NFF Realty, 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)

- 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: 5-24-17

Stuart Pielop  
Printed Name

\_\_\_\_\_  
Title

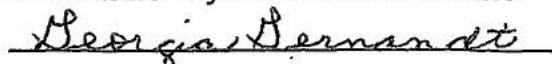
Authorized Agent of Owner  
Title

\_\_\_\_\_  
Title

STATE OF TEXAS

COUNTY OF HARRIS

SUBSCRIBED AND SWORN before me on this the 24<sup>TH</sup> day of  
MAY 2017, to which witness my hand and seal of office.

  
Notary Public in and for the State of TEXAS

