



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

**March 14, 2018**

**Mr. James M. Hinton**  
**Sunrise Montrose Apartments, LLC**  
**5773 Woodway Drive, Suite 415**  
**Houston, Texas 77057**

**Re: Municipal Setting Designation (MSD) Certificate for 1302 Montrose Boulevard Property, located at 1302 Montrose Boulevard and 1307, 1315, 1317, and 1401 Marconi Street, Houston, Harris County, Texas; MSD No. 373; Customer No. CN604708081; Regulated Entity No. RN107854317**

**Dear Mr. Hinton:**

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on October 30, 2017 and additional information supporting this MSD application on March 2, 2018. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code §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) 239-2603 or via e-mail ([Heather.Podlipny@tceq.texas.gov](mailto:Heather.Podlipny@tceq.texas.gov)).

Sincerely,,

A handwritten signature in black ink, appearing to read "Heather Podlipny".

**Heather Podlipny, Project Manager**  
**VCP-CA Section**  
**Remediation Division**

**HP/jdm**

**cc: Mr. Charles Giammalva, Giammalva Interests, Ltd., 10000 Memorial Drive, Suite 450, Houston, TX 77024**

**Ms. Lydia González Gromatzky, Of Counsel, Andrews Kurth LLP, 111 Congress Avenue, Suite 1700, Austin, TX 78701**

**Mr. Steven D. Lewis, Project Manager, SKA Consulting, L.P., 1888 Stebbins Drive, Suite 100, Houston, TX 77043**

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

**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, Maria Lebron, Assistant Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 373, 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 14 day of MARCH, 2018

A handwritten signature in blue ink, appearing to read "Maria Lebron", written over a horizontal line.

Maria Lebron, Assistant Director  
Remediation Division  
Texas Commission on Environmental Quality



DESCRIPTION OF A 1.050 ACRE TRACT OF LAND SITUATED  
 IN THE OBEDIANCE SMITH SURVEY, ABSTRACT NO. 696  
 CITY OF HOUSTON  
 HARRIS COUNTY, TEXAS

BEING a 1.050 acre (45,735 square feet) tract of land situated in the Obediance Smith Survey, Abstract No. 696 of Harris County, Texas and being a portion of Block 3, COLUMBUS ADDITION, a subdivision plat per record recorded under Volume (Vol.) 330, Page (Pg.) 360 of the Harris County Deed Records (H.C.D.R.), and a portion of Block 2, KENEDY ADDITION, a subdivision plat per record recorded under Vol. 855, Pg. 835 of the H.C.D.R., and being all of a called 0.2443 acre tract (Tract One), and a called 0.1288 acre tract (Tract Two), as being described in a conveyance to Sunrise Montrose Apartments LLC, recorded under Harris County Clerk's File Number (H.C.C.F. No.) 20140490061, and being a portion of a called 0.9854 acre tract described in a conveyance to Sunrise Montrose Apartments LLC, recorded under H.C.C.F. No. 20140490401, and all of a called 0.1288 acre tract described in a conveyance to Sunrise Montrose Apartments LLC, recorded under H.C.C.F. No. 20140490103, said 1.050 acre tract of land described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the northwest corner of said Block 3, COLUMBUS ADDITION, and the herein described tract, lying on the southeast corner of the intersection of Marconi Street (50 feet wide) and West Clay Avenue (60 feet wide);

THENCE, N 86° 50' 59" E, along the south right-of-way line of said West Clay Avenue, a distance of 175.50 feet to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the northeast corner of the herein described tract, said point being the southwest corner of the intersection of said West Clay Avenue and Montrose Boulevard (100 feet wide);

THENCE, S 03° 08' 47" E, along the west right-of-way line of said Montrose Boulevard, a distance of 118.00 feet to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for an angle point in the east line of the herein described tract and said west right-of-way;

THENCE, S 02° 48' 10" E, continuing along said west right-of-way, a distance of 130.99 feet, to a 1/2-inch iron pipe with cap stamped "Brown & Gay" set for the southeast corner of the herein described tract;

THENCE, S 87° 48' 51" W, over and across said 0.9854 acre tract, a distance of 82.63 feet to a point for an interior corner of the herein described tract, lying on a westerly east line of said 0.9854 acre tract;

THENCE, S 03° 09' 01" E, along with said westerly east line, a distance of 20.07 feet to a point for the southerly southeast corner of the herein described tract, lying on the south line of Lot 8, of said Block 3, from which a found 1/2-inch iron pipe bears N 50° 32' E, 0.47 feet;

THENCE, S 86° 50' 59" W, along the south line of said Lot 8, a distance of 112.00 feet to a 5/8-inch iron rod (control monument) found for the southwest corner of the herein described tract and said Lot 8, lying on the east right-of-way line of said Marconi Street;

THENCE, N 03° 08' 01" W, along said east right-of-way line, a distance of 268.00 feet to the POINT OF BEGINNING and containing 1.050 acres (45,735 square feet) of land.

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared James M. Hinton, as an authorized representative of Sunrise Montrose Apartments, 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.

*James M. Hinton*

Date: October 26, 2017

Signature

James M. Hinton

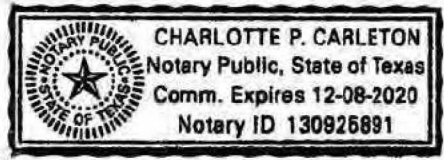
Printed Name

President

Title

STATE OF Texas

COUNTY OF Harris



SUBSCRIBED AND SWORN before me on this the 26<sup>th</sup> day of October 2017, to which witness my hand and seal of office.

Charlotte P. Carleton  
Notary Public in and for the State of Texas