

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



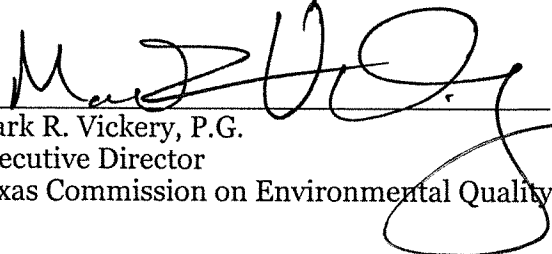
**MUNICIPAL SETTING DESIGNATION CERTIFICATE**

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 163, 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 institutional control required by Texas Health and Safety Code §361.8065 is maintained 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 12<sup>th</sup> day of July, 2011

  
\_\_\_\_\_  
Mark R. Vickery, P.G.  
Executive Director  
Texas Commission on Environmental Quality

# Record Description:

MSD 163 Exhibit "A" Page 1  
This Work Controlled by: INTERNATIONAL LAND SERVICES, INC.  
This Work Controlled by: INTERNATIONAL LAND SERVICES, INC.  
This Work Controlled by: INTERNATIONAL LAND SERVICES, INC.

# Measured Description:

Surveyor's Certificate:  
I, the undersigned, Surveyor, do hereby certify that the foregoing description of the land hereinbefore described is a true and correct description of the land as shown on the plat hereunto annexed and as the same appears from the field notes and other data in my possession, custody and control, and that I am a duly qualified and licensed Surveyor under the laws of the State of Texas.



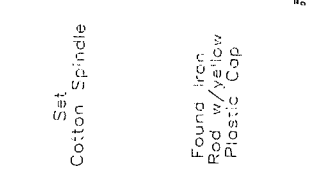
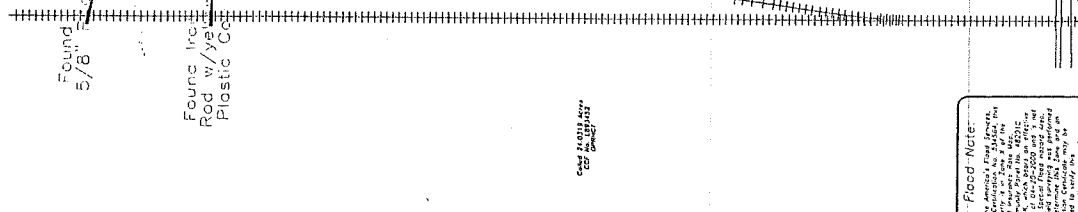
# Surveyor's Certificate:

Signature and Name of Surveyor  
Registered Professional Land Surveyor No. 1142

# ALTA/ACSM Land Title Survey

SITE RESTRICTIONS:  
Easement  
Right of Way  
Easement  
Easement  
Easement  
Easement  
Easement  
Easement  
Easement  
Easement  
Easement

NOTE:  
Easement, right, title and interest in land shown hereon are shown as of this date.  
The survey was made on or about [DATE]  
[Signature]



- Parking Stalls: [Quantity]
- AGCA: [Quantity]
- Basis of Bearing: [Description]
- General Notes: [List of notes]

Cotton Spindle  
Found Iron Rod w/yellow Plastic Cap  
Found 5/8" Rod w/yellow Plastic Cap  
Found 1/2" Rod w/yellow Plastic Cap stamped "ACCESS 5163"

STATEMENT OF APPARENT ENCROACHMENTS  
1 - Encroachment [Description]  
2 - Encroachment [Description]  
3 - Encroachment [Description]  
4 - Encroachment [Description]

SCHEDULE B EXCEPTIONS  
1. Easement [Description]  
2. Easement [Description]  
3. Easement [Description]  
4. Easement [Description]  
5. Easement [Description]  
6. Easement [Description]  
7. Easement [Description]

INTERNATIONAL LAND SERVICES, INC.  
13130 North Loop West, Suite 200  
Houston, Texas 77058  
(281) 261-2322

Prepared For:			
Client Name	Project Location	Project Address	Job Number
1701 Oliver Street	Houston, Texas	1701 Oliver Street	00-07-01-005
Element: 2 Project			

WARNING!  
FOR YOUR PROTECTION, PLEASE CHECK ALL PROPERTY RECORDS FOR SURVEYING, INC. INFORMATION PRIOR TO CONSTRUCTION.

INTERNATIONAL LAND SERVICES, INC.  
13130 North Loop West, Suite 200  
Houston, Texas 77058  
(281) 261-2322

M.S.D 16-3 Exhibit "A" Page 2

HARRIS COUNTY TEXAS

HOLLINGSWORTH SUBDIVISION  
BLOCK 3, LOT 20  
(UNRECORDED)

SOUTHERN PACIFIC TRANSPORTATION COMPANY  
CALLED 24.0619 ACRE TRACT  
CLERK'S FILE NO. L893452  
H.C.D.R.

SUMMER STREET  
60' WIDE R.O.W. #2, 3319, PG. 721  
H.C.D.R.

DIETEL STREET  
60' WIDE R.O.W. VOL. 3319, PG. 721  
H.C.D.R.

GLAZIER REALTY 1, L.P.  
TO JOHN A. & KAREN L. RYDMAN  
CALLED 3.6310 ACRE TRACT  
CLERK'S FILE NO. Y767442  
H.C.D.R.

SOUTHERN PACIFIC TRANSPORTATION COMPANY  
TO GLAZIER REALTY 1, L.P.  
CALLED 3.9487 ACRE TRACT  
NET CALLED 3.6310 ACRE TRACT  
CLERK'S FILE NO. R85448  
H.C.D.R.

HOUSTON STOCK YARDS COMPANY  
TO GALVESTON, HARRISBURG &  
SAN ANTONIO RAILWAY COMPANY  
RESIDUAL OF CALLED 48.9 ACRE TRACT  
VOL. 552, PG. 32  
H.C.D.R.

1.3688 ACRE SUBJECT TRACT  
POINT OF BEGINNING  
X = 3114748.28  
Y = 13846249.29  
N 87°30'02" E 209.49'  
N 2°28'03" W 70.81'  
S 3°02'32" E 236.60'  
RADIUS = 1995.25'  
ARC LENGTH = 19.18'  
CHORD BRG. = S 74°57'19" W  
CHORD DIST. = 323.74'  
HARRISBURG & SAN ANTONIO RAILWAY COMPANY  
GALVESTON, HARRISBURG & SAN ANTONIO RAILWAY COMPANY  
CALLED 20.0 ACRE TRACT  
VOL. 552, PG. 32  
H.C.D.R.

OLIVER STREET  
60' WIDE R.O.W. VOL. 3319, PG. 727  
H.C.D.R.

REDWOOD RETAIL CENTER, LTD  
CALLED 1.5995 ACRE TRACT  
CLERK'S FILE NO. L48052  
H.C.D.R.



LEGEND  
● FOUND IRON PIPE/ROD  
○ SET 5/8" IRON ROD W/ SURVEY CAP "WPD 4467"  
◆ MONITOR WELL  
----- EASEMENT LINE  
- - - - - LOT LINE  
- - - - - SUBJECT PROPERTY LINE

POINT OF COMMENCEMENT  
FND. 5/11 R. W.P.S. 1628  
X = 3114606.62  
Y = 13846282.00  
S 3°02'32" E 30.14'  
S 87°30'02" W 60.00'

POINT OF BEGINNING  
X = 3114748.28  
Y = 13846249.29  
N 87°30'02" E 209.49'  
N 2°28'03" W 70.81'

HEL ACQUISITIONS, INC.  
HARRIS ADDITION  
BLOCK 1, RESERVE "A"  
CLERK'S FILE NO. V395015  
H.C.D.R.

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

FND. 5/11 R. W.P.S. 1628

SURVEY PLAT OF  
1.3688 ACRE TRACT  
BEING A PORTION OF THE  
GALVESTON, HARRISBURG &  
SAN ANTONIO RAILWAY COMPANY  
CALLED 48.9 ACRE TRACT  
AS RECORDED IN  
VOLUME 552, PAGE 32  
OF THE  
HARRIS COUNTY DEED RECORDS  
IN THE  
JOHN AUSTIN 2 LEAGUE GRANT SURVEY  
ABSTRACT 1  
HARRIS COUNTY, TEXAS  
FOR  
PASTOR BEHLING & WHEELER, LLC.

I, WM. PATRICK DOYLE, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN HEREON.

DATE SURVEYED: JUNE 17, 2009.

WM. PATRICK DOYLE  
4467

WM. PATRICK DOYLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467

NOTES:  
1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).  
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF = 0.9999938541).  
3. THIS PLAT IS PART OF A SURVEY REPORT INCLUDING A METES AND BOUNDS DESCRIPTION ON FILE IN THE OFFICES OF DOYLE & WACHTSCHETTER, INC.  
4. THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT. THE INFORMATION CONTAINED ON THIS SURVEY WAS OBTAINED FROM BOTH PRIVATE AND PUBLIC RECORDS FROM THE HARRIS COUNTY COURTHOUSE. RESEARCH BY OTHER SURVEYORS, TITLE COMPANIES, ESTATE ATTORNEYS, RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

PROJ. No. 1973-09-05  
SHEET 1 OF 1  
Doyle & Wachtstetter, Inc.  
Surveying and Mapping GPS/GIS  
101 COMMERCE STREET, CLUTE, TEXAS 77531  
OFFICE: 979.365.8022  
FAX: 979.265.9940  
TELEPHONE: 6-17-03 | BIDD. NO.: HARRIS, CO. VOL. 11 | IMAGE: 6-17-03 | SHEET NO.: 1  
DRAWN BY: WPD/VLD | CHECKED: WPD/W-17-08 | REVISED: NONE

# Record Description:

**TRACT I:**

Unrestricted Reserve "A", in Block One (1) of HARCROS ADDITION, an addition in Harris County, Texas, according to the record under Film Code No(s). 387062 of the Map Records of Harris County, Texas, and being that certain 3.12 acre Lot 20, in Block 3 of HOLLINGSWORTH Subdivision, same being a portion of a 48.9 acre tract of land situated in the J described in Deed to the Galveston, Harrisburg and San Antonio Railway Company from Houston Stock Yards Company & recorded in Volume 453, Page 32 of the Deed Records of Harris County, Texas, SAVE AND EXCEPT that certain 0.2578 Acres, Industries, Inc., a Delaware corporation by deed effective April 17, 1995 filed for record under County Clerk's File No(s), Records of Real Property of Harris County, Texas.

**TRACT II:**

A strip of land 50 feet in width located East of and adjoining the East boundary of Tract I hereinabove, as described in 3050, Page 291 of the Deed Records of Harris County, Texas.

**TRACT III:**

A strip of land located south of and adjoining the south boundary line of Tract I hereinabove, as described in instrument 291 of the Deed Records of Harris County, Texas.

# Measured Description:

Being a 2.754 acre tract of land (119,952 square feet) lying in the John Austin League, Abstract No. 1 in Harris County Reserve "A", in Block One (1) of Harcros Addition, an addition in Harris County, Texas, of record in Film Code No. 387062, Harris County, Texas, said 2.754 acres being more particularly described by metes and bounds, as follows:

Beginning at a 1/2" Rod with yellow plastic cap stamped "ACCESS 5163" set marking the intersection of the North (a 60' public roadway) and the West right-of-way line of Oliver Street (called 50' wide driveway easement of record in Deed Records of Harris County, Texas) and being the southeast corner of the herein described tract;

Thence S 87°47'14" W (call S 87°27'00" W) with the North right-of-way line of Summer Street and the South line a distance of 198.61' (call 198.61') to a 5/8" Rod found marking the Southerly most Southeast corner of that certain 2' described in an instrument of record in County Clerk's File No. LB93452 of the Official Public Records of Harris County, corner of the herein described tract;

Thence N 02°12'47" W (call N 02°33'00" W) with the Southerly most East line of the said 24.0319 acre tract and the tract for a distance of 609.47' (call 609.40') to a Iron Rod with yellow plastic cap found marking the Southwest corner of land as described in an instrument of record in County Clerk's File No. R355643 of the said Official Public Records the herein described tract;

Thence N 87°48'49" E (call N 87°27'00" E) with the South line of the said 0.3578 acre tract and the north line of a distance of 195.03' (call 195.07') to an Iron Rod with yellow plastic cap found marking the West right-of-way line of the said 0.3578 acre tract and being the Northeast corner of the herein described tract;

Thence S 02°33'00" E (bearing basis) with the West right-of-way line of Oliver Street and the East line of the herein described tract for a distance of 609.45' (call 609.41') to the point and place of beginning, containing in area 2.754 acres of land (119,952 square feet).

# Surveyor's Certificate:

TO:  
Harcros Chemicals Inc.  
Elementis America, Inc.  
Slinson, Wag & Fizzell, P.C.  
Weil, Gotshal & Manges LLP  
Lawyers Title Insurance Company  
Brownstein Hyatt & Farber

This is to certify that this map or plot and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NPSI in 1999, and includes items 1, (except in states that require record monument plotting), 2, 3, 4, 5, 7(a), 7(b)(1), 7(c), 8, 9, 10, and 11(a) (location of utilities per visible, above-ground on-site observation) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NPSI and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

Dated: 8-17-00

*Mitchell Lee Brackin*  
(Mitchell Lee Brackin)

Registered Professional Land Surveyor No. 5163



# ALTA/ACSM Land Title Survey

### SITE RESTRICTIONS:

Setbacks:  
Front -  
Side -  
Rear -  
Height None  
Bulk None  
Zone None

There is no zoning for the County of Harris, per the City of Houston, Texas (Planning and Zoning Department) (713) 837-7701

**Note:**

Electric, telephone, gas, water and waste water services may exist on the subject property.

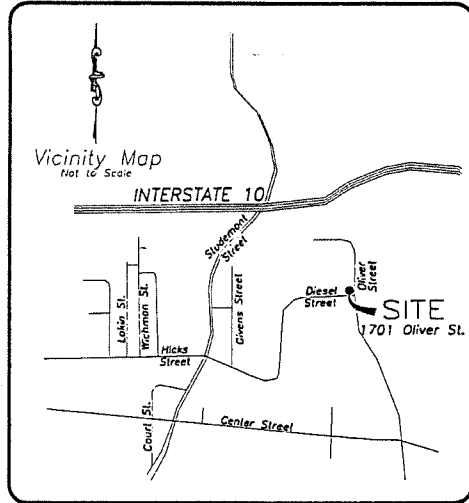
**WARNING!**  
ERRORS & OMISSIONS INSURANCE PROTECTION



This survey is covered by International Land Services, Inc.'s Errors and Omissions Insurance policy. Contacting the surveying company performing this survey will void the E & O Insurance coverage.

FOR YOUR PROTECTION, PLEASE DIRECT ALL QUESTIONS REGARDING THIS SURVEY TO:

MSD 163 Exhibit "A" Page 1



**Parking Stalls:**  
No visible parking stalls

There is no visible evidence of cemeteries on subject properties

**AREA:**  
2.754 Acres Total  
119,952 Square Feet Total

### asis of Bearing:

02°33'00" E being the east line of the herein described tract of land of record in Film Code No. 3050, Page 291 of the Deed Records of Harris County, Texas, the Basis of Bearing" for this survey, being designated in said description as S 09 41'.

### General Notes:

There is no observable evidence of any work, building construction or building thin recent months.

There is no observable evidence of site use as a dump or sanitary landfill.

There is no observable evidence of any changes in the location of way lines completed and available for jurisdiction and evidence of recent street construction or repairs.

### APPARENT ENCROACHMENTS

- 9.4' south of 10' building property line.
- 9.8' south of 10' building property line.
- Step is 1.9' east of east property line.
- 3.4' east of 5' easement along east line.
- 4.8' east of 5' easement along east line.

**Tank**

- A -
- B -
- C -
- D -
- E -
- F -
- G -
- H -
- I -
- J -

COPIES ALL OF THE PROPERTY DESCRIBED IN THE TITLE AS LAWYERS TITLE INSURANCE COMPANY, OF No. 2080145, Dated June 18, 2000

### COULE B EXCEPTIONS:

with and restrictions, with right to relocated, of that certain purposes for ingress and egress, created by and between Company and Thompson-Hayward Chemical Company, by Deed July 17, 1995 filed for record under County Clerk's File No. 3050, Page 291 of the Deed Records of Harris County, Texas. APPLIES AND AFFECTS SUBJECT PROPERTY.

along the East property line, together with an easement 16 feet wide, beginning at a plane 16 feet above the ground level and adjacent thereto, granted to Houston Lighting & Power Company, as reflected by plot, filed for record under County Clerk's File No. 3050, Page 291 of the Deed Records of Harris County, Texas. DOES NOT AFFECT SUBJECT PROPERTY, AS SHOWN.

for purposes extending a distance of 15 feet on each side of the easement, as reflected by plot, filed for record under County Clerk's File No. 3050, Page 291 of the Deed Records of Harris County, Texas. DOES NOT AFFECT SUBJECT PROPERTY, AS SHOWN.

have as its means of ingress to or egress from Summer Street, by that certain easement granted to the City of Houston, Texas, in Volume 3319, Page 727 of the Deed Records of Harris County, Texas, which appears to have acquired a separate easement right in the parcel east of and adjoining the east boundary of the herein described tract, to connect with the north end of Oliver Street, and to the north portion of a street located south of and adjoining the south boundary of the herein described tract, by instrument recorded in Deed Records of Harris County, Texas, and recorded in Deed Records of Harris County, Texas. APPLIES AND AFFECTS SUBJECT PROPERTY, AS SHOWN.

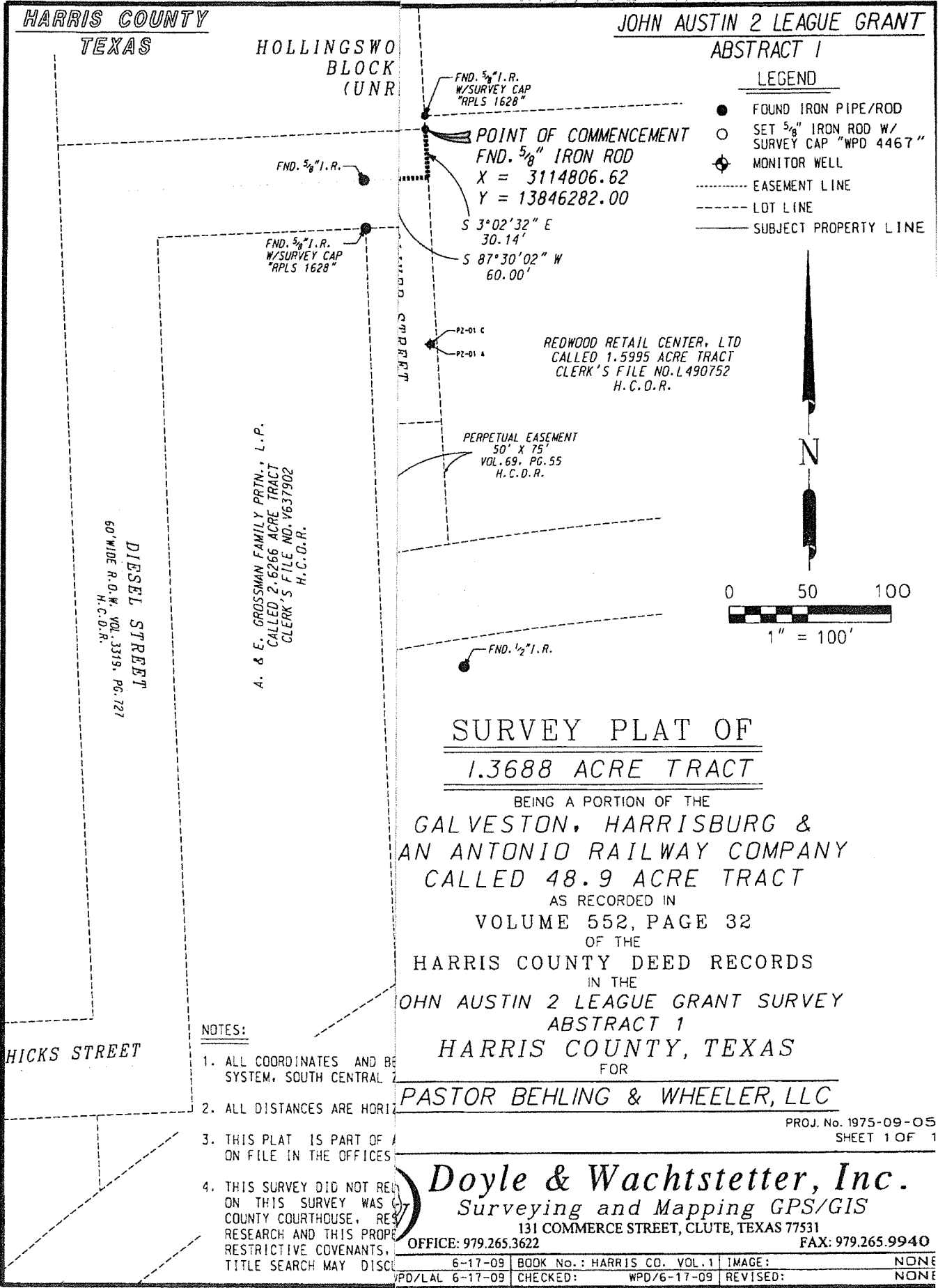
to be set along the South property line, as set out on plot No. 3050, Page 291 of the Deed Records of Harris County, Texas. APPLIES AND AFFECTS SUBJECT PROPERTY, AS SHOWN.

This Work Coordinated By:

621 24th Avenue S.W.  
Norman, Oklahoma 73069  
(405) 364-9352 www.ils-alta.com

Own By:	S. Brothers	Date:	
Surveyor:		Revision:	
Ref. No.:	2280	Date:	
Apprvd By:	M. Brackin	Revision:	
Field Date:	7/10/2000	Date:	
Scale:	1" = 40'	Revision:	

Prepared For:	
Client Ref. No.:	
Project Address:	1701 Oliver Street
Project Location:	Houston, Texas
Project Name:	Elementis 2 Project
Job Number:	



HARRIS COUNTY  
TEXAS

HOLLINGSWO  
BLOCK  
(UNR)

JOHN AUSTIN 2 LEAGUE GRANT  
ABSTRACT 1

LEGEND

- FOUND IRON PIPE/ROD
- SET 5/8" IRON ROD W/  
SURVEY CAP "WPD 4467"
- ⊕ MONITOR WELL
- EASEMENT LINE
- LOT LINE
- SUBJECT PROPERTY LINE

FND. 5/8" I.R.  
W/SURVEY CAP  
"RPLS 1628"

POINT OF COMMENCEMENT  
FND. 5/8" IRON ROD  
X = 3114806.62  
Y = 13846282.00

S 3°02'32" E  
30.14'  
S 87°30'02" W  
60.00'

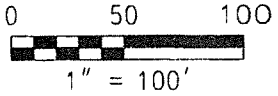
FND. 5/8" I.R.

FND. 5/8" I.R.  
W/SURVEY CAP  
"RPLS 1628"

P2-01 C  
P2-01 A

REDWOOD RETAIL CENTER, LTD  
CALLED 1.5995 ACRE TRACT  
CLERK'S FILE NO. L490752  
H.C.D.R.

PERPETUAL EASEMENT  
50' X 75'  
VOL. 69, PG. 55  
H.C.D.R.



DIESEL STREET  
60' WIDE R.O.W. VOL. 3319, PG. 121  
H.C.D.R.

A. & E. GROSSMAN FAMILY PRTN., L.P.  
CALLED 2.6266 ACRE TRACT  
CLERK'S FILE NO. V637902  
H.C.D.R.

SURVEY PLAT OF  
1.3688 ACRE TRACT

BEING A PORTION OF THE  
GALVESTON, HARRISBURG &  
AN ANTONIO RAILWAY COMPANY  
CALLED 48.9 ACRE TRACT  
AS RECORDED IN  
VOLUME 552, PAGE 32  
OF THE  
HARRIS COUNTY DEED RECORDS  
IN THE  
JOHN AUSTIN 2 LEAGUE GRANT SURVEY  
ABSTRACT 1  
HARRIS COUNTY, TEXAS  
FOR

PASTOR BEHLING & WHEELER, LLC

NOTES:

1. ALL COORDINATES AND BEARING SYSTEM, SOUTH CENTRAL
2. ALL DISTANCES ARE HORIZONTAL
3. THIS PLAT IS PART OF A SURVEY ON FILE IN THE OFFICES OF THE COUNTY CLERK
4. THIS SURVEY DID NOT RESEARCH RESTRICTIVE COVENANTS. TITLE SEARCH MAY DISCLOSE

HICKS STREET

PROJ. No. 1975-09-05  
SHEET 1 OF 1

**Doyle & Wachtstetter, Inc.**

Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, CLUTE, TEXAS 77531

OFFICE: 979.265.3622 FAX: 979.265.9940

6-17-09	BOOK No.: HARRIS CO. VOL. 1	IMAGE:	NONE
WPD/LAL	6-17-09	CHECKED:	WPD/6-17-09
		REVISED:	NONE

**Attachment 3**  
**Legal Description and Deed**

*A legal description of the MSD property. Provide sufficient global positioning satellite coordinate locations to allow the MSD property boundaries to be plotted (map view) in a geographic information system.*

GPS Coordinates:

Coordinates of MSD  
Boundary Vertices

X	Y
269240.43	3296228.99
269304.70	3296228.99
269302.43	3296004.93
269299.43	3296004.93
269299.00	3295932.87
269265.96	3295926.22
269234.42	3295918.49
269207.82	3295909.48
269220.90	3295929.01
269229.70	3295949.17
269233.78	3295968.48
269235.28	3296003.64
269240.43	3296003.64

NOTE: Coordinates provided in Universal Transverse Mercator projection, Zone 15 North (meters), North American Datum 1983

The legal description of the designated property for Harcros Chemicals, Inc located at 1701 Oliver Street in Houston is provided below:

**TRACT I:**

Unrestricted Reserve "A" in Block One (1) of HARCROS ADDITION, an addition in Harris County, Texas, according to the map or plat thereof filed for record under Film Code No(s). 387062 of the Map Records of Harris County, Texas, and being that certain 3.12 acre tract of land, more or less, out of Lot 20, in Block 3 of Hollingsworth Subdivision, some being a portion of the 48.9 acre tract of land situated in the John Austin Two League Grant, described in Deed to the Galveston, Harrisburg and San Antonio Railway Company from Houston Stock Yards Company dated September 11, 1923 and recorded in Volume 552 Page 32 of the Deed Records of Harris County, Texas SAVE AND EXCEPT that certain 0.3578 acre tract conveyed to Azrock Industries, Inc., a Delaware corporation by deed effective April 17, 1995 filed for record under County Clerk's File No(s). R355643 of the official Public Records of Real Property of Harris County, Texas.

**TRACT II:**

A strip of land 50 feet in width located east of and adjoining the east boundary of Tract I hereinabove, as described in instrument recorded in Volume 3050, Page 291 of the Deed records of Harris County, Texas.

TRACT III:

A strip of land located south of and adjoining the south boundary line of Tract I hereinabove, as described in instrument recorded in Volume 3050 Page 291 of the Deed Records of Harris County, Texas.

The legal description of the designated property for UPRR located at 1610 Oliver Street in Houston is provided below:

ALL THAT CERTAIN 1.3688 ACRE tract of land lying in and situated in the John Austin 2 League Grant Survey, Abstract 1, Harris County, Texas, being a portion of Lot 20, Block 3 of the Hollingsworth (unrecorded) Subdivision and being a portion of all that certain called 48.9 acre tract of land conveyed by deed on September 25, 1923 from Houston Stock Yards Company to The Galveston, Harrisburg and San Antonio Railway Company, as recorded in Volume 552, Page 32 of the Harris County Deed Records (H.C.D.R.), the herein described tract of land being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.9998938554) as follows:

COMMENCING at a 5/8" iron rod found marking the southeast corner of all that certain called 24.0619 acre tract of land conveyed by deed on October 17, 1988 from Southern Pacific Transportation Company to Azrock Industries, Inc., as recorded in Clerk's File No. L893452 of the Harris County Official Records (H.C.O.R.), same being located in the eastern boundary line of the aforementioned all that certain called 48.9 acre tract of land conveyed by deed on September 25, 1923 from Houston Stock Yards Company to The Galveston, Harrisburg and San Antonio Railway Company, as recorded in Volume 552, Page 32 of the H.C.D.R. and at the intersection of the centerline projection of the 60 foot wide Summer Street with the eastern right-of-way boundary line of the 60 foot wide Oliver Street, as conveyed on May 16, 1957 from Texas and New Orleans Railroad Company to the City of Houston, as recorded in Volume 3319, Page 727 of the H.C.D.R., said Point of Commencement being at Texas at State Plane Coordinate System position X=3114806.62 and Y=13846282.00, from which a 5/8" iron rod with survey cap marked "RPLS 1628", at the northwest corner of all that certain 1.5995 acre tract conveyed to Redwood Retail Center, LTD, as recorded in Clerk's File No. L490752 of the H.C.O.R., bears North 2°01'24" West, a distance of 8.33 feet (called 8.37 feet);

THENCE South 3°02'32" East, coincident with the eastern boundary line of said Galveston, Harrisburg and San Antonio Railway Company called 48.9 acre tract and said Oliver Street, same being the western boundary line of said Redwood Retail Center, LTD called 1.5995 acre tract, a distance of 30.14 feet to a point, at position X=3114808.22 and Y=13846251.90;

THENCE South  $87^{\circ}30'02''$  West, crossing said Oliver Street, a distance of 60.00 feet to the POINT OF BEGINNING of the herein described description, at a set  $5/8''$  iron rod with survey cap marked "WPD 4467" for the intersection of the western right-of-way boundary line of said Oliver Street and the southern right-of-way boundary line of Summer Street and the northeast corner of the herein described 1.3688 acre tract, at position  $X=3114748.28$  and  $Y=13846249.29$ ;

THENCE South  $3^{\circ}02'32''$  East, coincident with the western right-of-way boundary line of said Oliver Street, a distance of 236.60 feet to a  $5/8''$  iron rod with survey cap marked "WPD 4467" set in the northern or northwestern curved boundary line of all that certain 60 foot wide railroad fee strip, conveyed by deed on September 17, 1879 from Sarah Brashear to Galveston, Harrisburg and San Antonio Railway Company, as recorded in Volume 20, Page 26 of the H.C.D.R., same being the southern or southeastern curved boundary line of the said Galveston, Harrisburg and San Antonio Railway Company called 48.9 acre tract, for the southeast corner of the herein described 1.3688 acre tract, at position  $X=3114760.84$  and  $Y=13846013.05$ ;

THENCE along said curved boundary to the left or southwest having a radius of 1995.25 feet and a central angle of  $9^{\circ}18'25''$ , coincident with the northern or northwestern boundary line of said Galveston, Harrisburg and San Antonio Railway Company 60 foot wide railroad fee strip, same being the southern or southeastern curved boundary line of the said Galveston, Harrisburg and San Antonio Railway Company called 48.9 acre tract, an arc length of 324.10 feet, a chord bearing South  $74^{\circ}57'19''$  West and a chord distance of 323.74 to a  $5/8''$  iron rod with survey cap marked "WPD 4467" set at the intersection with the southeastern curved right-of-way boundary line of the 30 foot wide Southern Pacific Transportation Company spur track easement, for the most southerly southwest corner of the herein described 1.3688 acre tract, at position  $X=3114448.22$  and  $Y=13845929.02$ ;

THENCE along said curved boundary to the left or northeast having a radius of 306.59 feet and a central angle of  $39^{\circ}26'19''$ , coincident with the southeastern boundary line of said 30 foot wide Southern Pacific Transportation Company spur track easement, an arc length of 211.04 feet, a chord bearing North  $26^{\circ}21'24''$  East and a chord distance of 206.89 to a  $5/8''$  iron rod with survey cap marked "WPD 4467" set for the point of compound curve of the herein described 1.3688 acre tract, at position  $X=3114540.07$  and  $Y=13846114.39$ ;

THENCE along said curved boundary to the left or northerly having a radius of 346.44 feet and a central angle of  $9^{\circ}07'05''$ , coincident with the eastern boundary line of said 30 foot wide Southern Pacific Transportation Company spur track easement, an arc length of 55.13 feet, a chord bearing North  $2^{\circ}04'20''$  East and a chord distance of 55.07 to a  $5/8''$  iron rod with survey cap marked "WPD 4467" set for the point of tangency of the herein described 1.3688 acre tract, at position  $X=3114542.06$  and  $Y=13846169.42$ ;

THENCE North  $2^{\circ}28'03''$  West, coincident with the eastern boundary line of said 30 foot wide Southern Pacific Transportation Company spur track easement, a distance of 70.81 to a  $5/8''$  iron rod with survey cap marked "WPD 4467" set in the



southern boundary of said 60 foot wide Summer Street right-of-way, for the northwest corner of the herein described 1.3688 acre tract, at position X=3114539.01 and Y=13846240.15;

THENCE North 87°30'02" East, coincident with the southern right-of-way boundary line of said Summer Street, a distance of 209.49 to the POINT OF BEGINNING, containing 1.3688 acres of land, more or less.

A copy of the deed that establishes the Applicant's ownership of the designated property is provided on the following pages.

MSD No. 163  
Exhibit "B"

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> NA only when no such municipality, private well owner, or retail public utility exists			

**MSD Information:**

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 05 / /2006	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> Do not submit an application.		

I affirmatively state that (place an X in all applicable blanks):

- The MSD eligibility criteria of THSC §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 was 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]  
Applicant Signature

3/2/11  
Date

Before me Dana Palermo the undersigned authority, on this day personally appeared

John F. O'Neill Name of Notary and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Wyandotte, State of KS, on the 2<sup>nd</sup> day of March, this month of March, 2011.

**DANA PALERMO**  
Notary Public - State of Kansas  
My Comm. Expires 11/24/2012