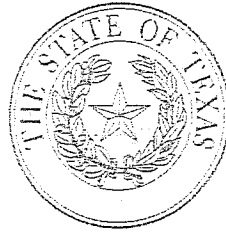


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



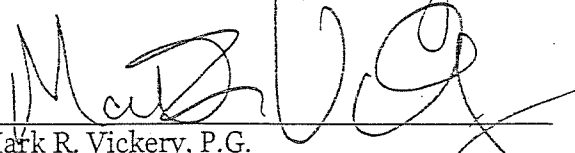
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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 (MSD) for MSD No. 179, 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 15th day of February, 2012



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

MSD No. 179
Exhibit "A"

The legal description including metes and bounds of the designated property is as follows:

METES AND BOUNDS DESCRIPTION
OF 1.1799 ACRES OF LAND BEING ALL OF
UNRESTRICTED RESERVE "A", BLOCK 1, MAIN PLACE
FILM CODE NO. 619153, H.C.M.R.
OUT OF THE JOHN AUSTIN SURVEY, A-1 AND THE
JAMES HOLMAN SURVEY, A-323
HOUSTON, HARRIS COUNTY, TEXAS

All that certain 1.1799 acres (51,396 square feet) of land being all of Unrestricted Reserve "A", Block 1, Main Place, according to the plat thereof recorded at Film Code No. 619153, of the Map Records of Harris County, Texas, out of the John Austin Survey, A-1 and the James Holman Survey, A-323, Houston, Harris County, Texas and being more particularly described by metes and bounds as follows (bearings based on Texas State Plane Coordinate System, Texas South Central 4204-NAD 83):

Commencing at Harris County Floodplain Reference Marker Number 210045 having grid coordinates of (X: 3,122,819.92) and (Y: 13,843,672.37), from which Harris County Floodplain Reference Mark Number 201148 bears S 71° 04' 55" E – 1,211.90' for reference; Thence, S 17° 06' 50" W – 2,595.57', to a point for the north corner of said Main Place, located at the intersection of the southeast right-of-way line of Main Street (90' Wide) with the southwest right-of-way line of said Rusk Avenue and being POINT OF BEGINNING of the herein described tract;

THENCE, S 57° 07' 57" E – 252.50', with said southwest right-of-way line of Rusk Avenue, to a point for the east corner of said Main Place, at the intersection of said southwest right-of-way line of Rusk Avenue with the northwest right-of-way line of Fannin Street (80' Wide);

THENCE, S 32° 52' 03" W – 149.03', with said northwest right-of-way line of Fannin Street, to a point for corner and the east corner of that certain called 11,729 square foot tract described as Tract One in the deed dated November 24, 1999, from FS Mirador Fannin, L.P. to Spire Historic Buildings, L.P., filed for record in Clerk's File No. U120874, Film Code No. 529-58-0472, of the Official Public Records of Real Property of Harris County, Texas;

THENCE, N 56° 59' 39" W – 116.00', with the northeast line of said 11,729 square foot tract, to a point for corner;

THENCE, S 32° 52' 03" W – 101.25', with the northwest line of said 11,729 square foot tract, to a point for corner located in the northeast line of Walker Avenue (80' Wide);

THENCE, N 57° 07' 57" W – 136.50', with said northeast right-of-way line of Walker Avenue, to a point for the west corner of said Main Place, at the intersection of said northeast right-of-way line of Walker Avenue with the aforementioned southeast right-of-way line of Main Street;

THENCE, N 32° 52' 03" E – 250.00', with said southeast right-of-way line of Main Street, to the POINT OF BEGINNING of the herein described tract and containing 1.1799 acres (51,396 square feet) of land, more or less.

MSD No. 179
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 ³	<input type="radio"/> NA ⁴
³ Do not submit application.			
⁴ 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.
See Attachments - CN 603344961; RN 105497699; VCP No. 2159; ISCO No. 5X2600499 *1.17.2012*

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁵
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 4 / 2 / 2008	<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 ⁵	<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 ⁵	<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 ⁵
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 checked="" type="radio"/> Yes	<input type="radio"/> No

⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].
⁶ 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.

John Moor
Applicant Signature

R

10.10.11
Date

Before me Adele T. Kline the undersigned authority, on this day personally appeared
Name of Notary
John Moor and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Harris, State of TX, on the 10th day of October, this month of _____, 2011.

