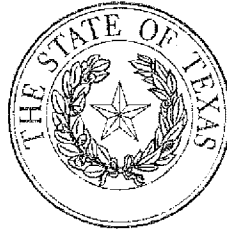


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



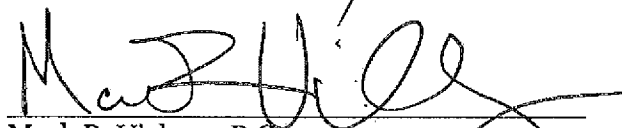
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 155, in the City of Stafford, 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 15<sup>th</sup> day of September 2011

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

**Parcel 1 (12701 Royal Drive)**

72,758 square feet of land out of Reserve "C" of Greenbriar Southwest, Section One, a subdivision in the City of Stafford out of the Thomas J. Nichols Survey, Abstract 296, in Fort Bend County, Texas, according to the plat thereof recorded in Volume 9 at page 9 of the Plat Records of Fort Bend County, Texas.

**Parcel 2 (12715 Royal Drive)**

All that certain tract or parcel containing 35,310 square feet of land out of Reserve "C", GREENBRIAR SOUTHWEST, SECTION ONE, a subdivision in Fort Bend County, Texas, and being of record in Volume 9, Page 9, Plat Records of Fort Bend County, Texas, and being more particularly described by metes and bounds in that certain Warranty Deed dated October 4, 1972, recorded in Volume 577, Page 272, Real Property Records of Fort Bend County, Texas.

**Parcel 3 (12725 Royal Drive)**

All that certain tract of land being 40,125 square feet out of Reserve "C" in Greenbriar Southwest, Section 1, according to the plat thereof recorded in Volume 9, Page 9, of the Plat Records of Fort Bend County, Texas.

**Parcel 4 (4113 Bluebonnet Drive)**

All that certain tract or parcel of land containing 2.4123 acres, more or less, being out of and a part of Reserve "B" Unrestricted of GREENBRIAR SOUTHWEST SECTION ONE, a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded in Volume 9, Page 9, of the Plat Records of Fort Bend County, Texas.

**Parcel 5 (12714 Royal Drive)**

Unrestricted Reserve "A-2", of Partial Replat of FREEPORT SOUTHWEST DISTRIBUTION CENTER, an addition in Fort Bend County, Texas, according to the map or plat thereof recorded in Slide 1536/A of the Plat Records of Fort Bend County, Texas.

**Parcel 6**

BEING A TRACT OR PARCEL OF LAND CONTAINING 3.6167 ACRES IN THE THOMAS J. NICHOLS SURVEY. ABSTRACT NO 296, FORT BEND COUNTY, TEXAS, AND BEING ALL OF KIRKWOOD TECH CENTRE AS SHOWN ON SLIDE 7228 OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

**Parcel 7**

Unrestricted Reserve "A-1", of Partial Replat of FREEPORT SOUTHWEST DISTRIBUTION CENTER, an addition in Fort Bend County, Texas, according to the map or

plat thereof recorded in Slide 1536/A of the Plat Records of Fort Bend County, Texas.

**Parcel 8 (Royal Dr.)**

See Survey.

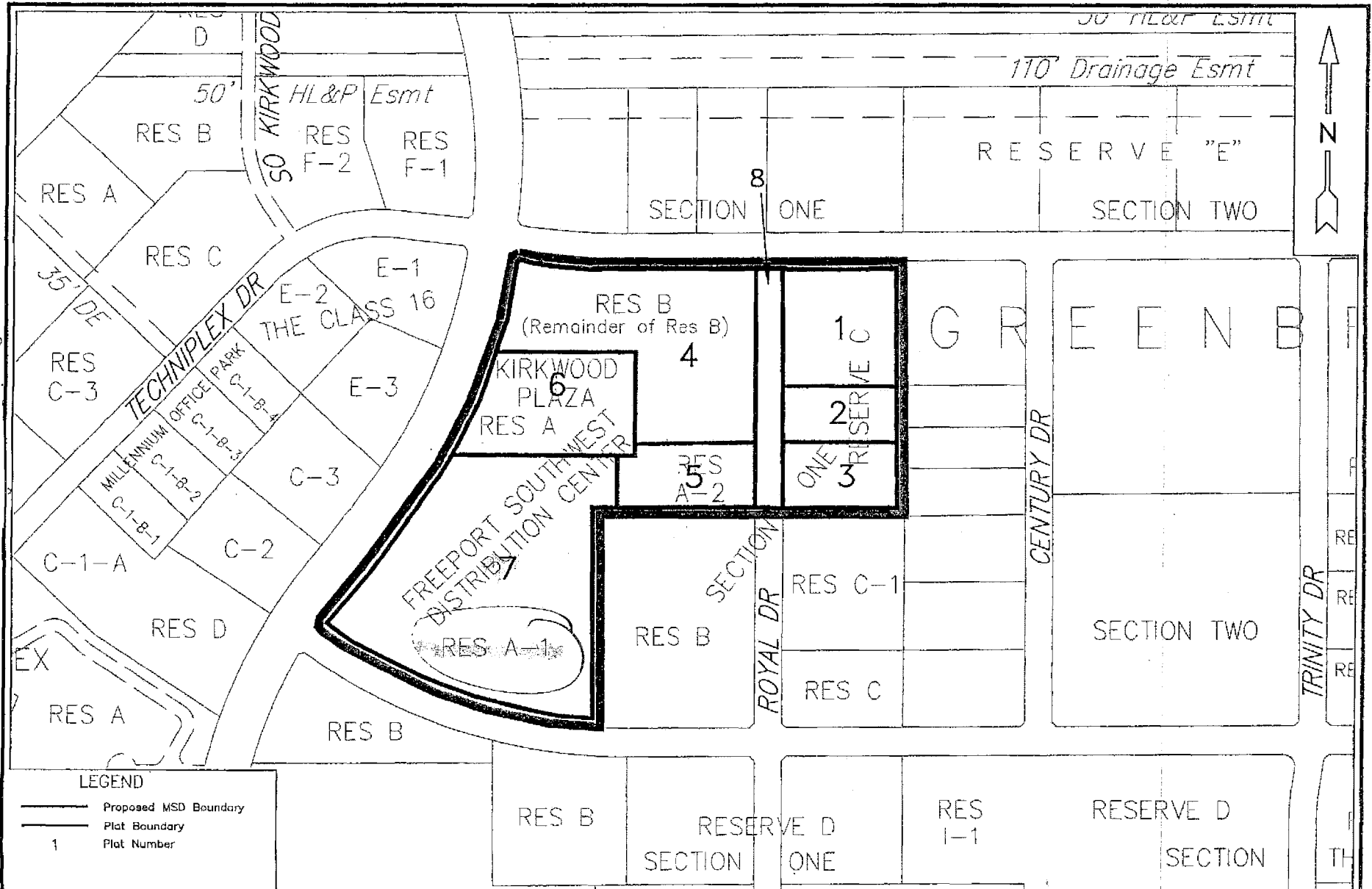


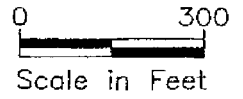
Exhibit A Page 3 of 6

**LEGEND**

— Proposed MSD Boundary

— Plat Boundary

1 Plat Number



SITE MANAGER: M. MASON	
CHECKED BY: M. MASON	
DRAWN BY: G. SOSA	
DATE: 2-24-10	SCALE: AS NOTED
DWG. NO.: 01807_FIG2C	PROJ. NO.: 112C01807



**TETRA TECHNUS, INC.**  
Houston, Texas

**FIGURE 2C**  
**PROPOSED MSD BOUNDARY MAP**  
(BY PARCEL)  
MSD APPLICATION  
ANALYSTS, INC  
12715 ROYAL DR. STAFFORD, TEXAS

DESCRIPTION

PARCEL 8 – 33,473 SQ. FT. OR 0.7684 ACRES OF LAND

BEING a tract or parcel, herein called Parcel 8, and being a portion of Royal Drive (60' R.O.W.) containing 33,473 Square Feet or 0.7684 Acres of land situated in the Thomas J. Nichols Survey, Abstract 296, and being out of the Greenbriar Southwest, section One, as recorded under Map Sheet 128B and 129A of the Plat Records of Fort Bend county and in Volume 9, Page 9 of the Fort Bend County Map Records. Said Parcel 8 being more particularly described by metes and bounds as follows:

COMMENCING for Reference at a found  $\frac{1}{2}$  inch iron rod for the Southwest corner of Unrestricted Reserve C-1, being 1.843 Acres recorded under Map Sheet 1915B, Fort Bend County Plat Records, same being the northwest corner of Unrestricted Reserve "C" recorded under Fort Bend County Clerk's File No. 9608843, Fort Bend County Deed Records, and also being on the Easterly right of way line of Royal Drive (60' R.O.W.);

THENCE, N  $00^{\circ} 09' 12''$  W, with the said Easterly right-of-way line of Royal Drive (60' R.O.W.), same being the aforesaid Westerly line of Unrestricted Reserve "C-1", a distance of 299.91 feet to a found  $\frac{5}{8}$  inch iron rod for the Southeast corner and Point of Beginning of the herein described Parcel 8 same being the common Southwest corner of Parcel No. 3 recorded under Fort Bend County Clerk's File No. 9552582, and the northwest corner of said Unrestricted Reserve "C-1";

THENCE, S  $80^{\circ} 50' 48''$  W, crossing Royal Drive (60' R.O.W.) from the East right-of-way line to the West right-of-way line, same being the South line of this described Parcel 8, a distance of 60.00 feet to a set  $\frac{5}{8}$  inch iron rod for the Southwest corner;

THENCE, N  $00^{\circ} 09' 12''$  W, with the West line of the herein described Parcel 8 and Royal Drive (60' R.O.W.), same being the Easterly line of Parcel 5 recorded under Fort Bend County Clerk's File No. 2005127354, Fort Bend County Deed Records, and Parcel 4 recorded under Volume 987, Page 219, Fort Bend County Deed Records, a distance of 546.03 feet to a found  $\frac{5}{8}$  inch iron rod for a cut-back corner;

THENCE, N  $45^{\circ} 09' 12''$  W, with the Westerly right-of-way line of Royal Drive (60' R.O.W.) and along the said cut-back corner line, a distance of 14.14 feet to a found  $\frac{5}{8}$  inch iron rod for the Northwest corner and intersecting the South right-of-way line of Bluebonnet Drive (60' R.O.W.);

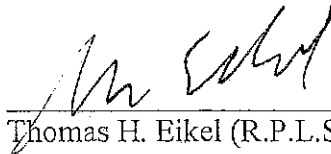
THENCE, N  $80^{\circ} 50' 48''$  E, with the North line of the herein described Parcel 8, same being the South right-of-way line of Bluebonnet Drive (60' R.O.W.), a distance of 80.00 feet to a found  $\frac{5}{8}$  inch iron rod for the Northeast corner and the beginning of a cut-back corner;

Exhibit 'A'

Page 5 of 6

THENCE, S 44° 50' 48" W, with the Easterly right-of-way line of Royal Drive (60' R.O.W.) and along the said cut-back corner line, a distance of 14.14 feet to a found 5/8 inch iron rod for corner;

THENCE, S 00° 09' 12" E, with the Easterly right-of-way line of royal Drive (60' R.O.W.) and this described Parcel 8, same being the Westerly line of Unrestricted Reserve "C" of Greenbriar Southwest, Section One recorded under Volume 9, Page 9, Fort Bend County Plat Records, and passing found 5/8 inch iron rods at 262.90 feet, 394.19 feet, and in all, a total distance of 546.13 feet to the POINT OF BEGINNING and containing 33,473 Square Feet or 0.7684 acres of land.



5-17-11

Thomas H. Eikel (R.P.L.S. 2971)

Date

Scale: 1"=80'

BLUEBONNET DRIVE (60' R.O.W.)

MC:\FORMS\PARCEL B

UNRESTRICTED RESERVE C GREENBRIAR SOUTHWEST SEC. ONE VOL. 9, PG. 9 F.B.C.P.R.

PARTIAL REPEAT OF FREEPORT SOUTHWEST DISTRIBUTION CENTER MAP SHEET 1536 A F.B.C.P.R.

PARCEL 4 REMAINDER OF UNRESTRICTED RESERVE B ISLAND ENTERPRISES 2.412 ACRES VOL. 987 PG. 219 F.B.C.D.R.

THOMAS J. NICHOLS SURVEY A-296

PARCEL 5 UNRESTRICTED RESERVE A-2 SOUTHWEST PROCESSOR, INC. 1.001 ACRES F.B.C.C.F. NO. 2005127354

UNRESTRICTED RESERVE B F.B.C.C.F. 9571767

PARCEL 8 (33473SQ. FT.) ROYAL DRIVE (60' R.O.W.)

PARCEL 3 F.B.C.C.F. NO. 9552582

UNRESTRICTED RESERVE C-1 1.843 ACRES MAP SHEET 1915B F.B.C.P.R.

UNRESTRICTED RESERVE C F.B.C.C.F. NO. 9608843

Surveyed for VOSS, COOK & THEL LLP

SHOWING PARCEL 8 OUT OF ROYAL DR.(60' R.O.W.) ACCORDING TO THE MAP OR PLAT OF GREENBRIAR SOUTHWEST, SECTION ONE RECORDED UNDER MAP SHEET 128 B AND 129 A OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS AND IN VOL. 9 PG 9 OF THE FORT BEND COUNTY MAP RECORDS

I hereby certify that this survey was made on the ground under my supervision and that it correctly represents the facts found at the time of the survey. There were no encroachments apparent on the ground except as shown hereon.

REVISIONS

W.O. No. 95608

G.F. No.

Buyer:

Mortgage Co.:

Title Company:



Hoffman Land Surveying, Ltd.,LLP

5245 LANGFIELD ROAD - HOUSTON, TEXAS 77040 - (713)939-9100

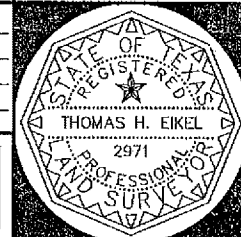


Exhibit B

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.  
The subject site has the following identification numbers: TCEQ SWR No. 71235 and EPA ID No. TXD073900474

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>reg</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? 12 / 01 / 86	<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 checked="" type="radio"/> Yes	<input 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.

Mark D. [Signature]  
Applicant Signature

12-6-10  
Date

Before me Kathy A. Pew the undersigned authority, on this day personally appeared  
Michael D. Forrester Name of Notary and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Los Angeles, State of CA, on the 6<sup>th</sup>  
day of December, this month of December, 2010.

TCEQ-20149 June 2007

Kathy A. Pew  
NOTARY

