

MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

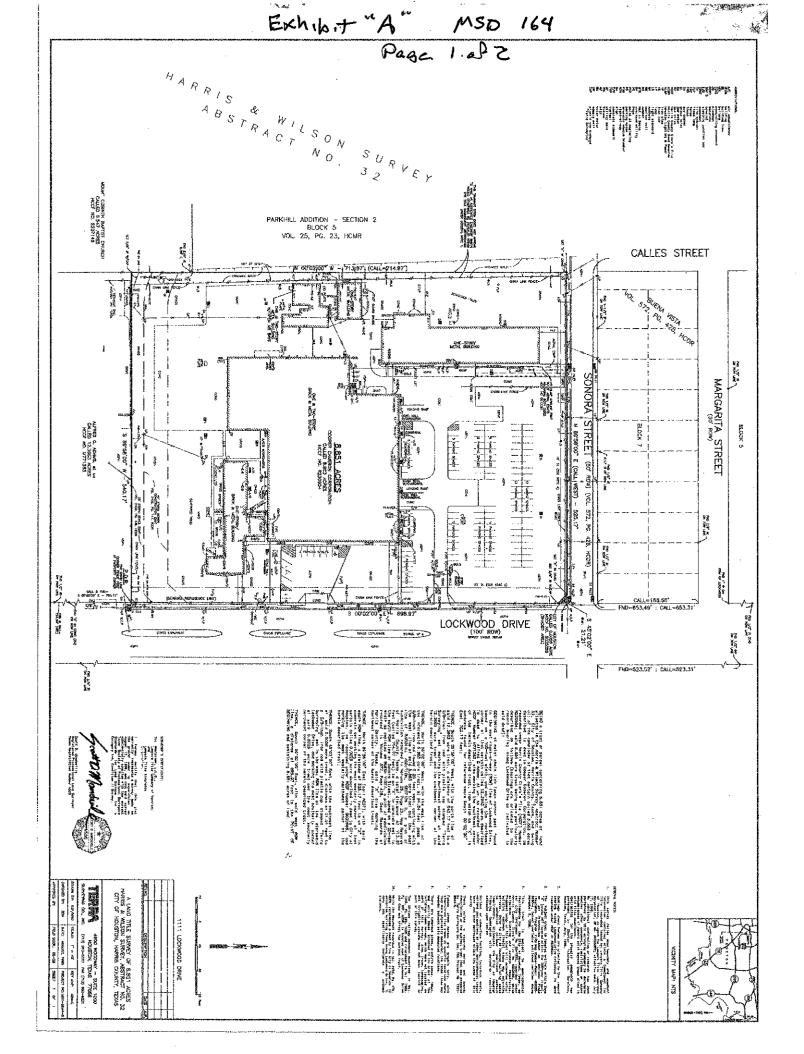
I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No.164 in the City of Houston for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as 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 22nd day of Fune, 2011

Mark R. Vickery, P.G.

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



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EXHIBIT A

DESCRIPTION OF A TRACT OR PARCEL OF LAND CONTAINING 8.8511 ACRES OR 385,553 SQUARE FEET SITUATED IN THE HARRIS & WILSON SURVEY, ABSTRACT NO. 32, IN THE CITY OF HOUSTON, HARRIS COUNTY, TEXAS BEING THAT SAME TRACT OF LAND CONVEYED TO WESTBROOK, LLC. DATED SEPTEMBER 21, 1998 AS DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NO. T-200901. SAID 8.8511 ACRES OR 385,553 SQUARE FOOT TRACT OF LAND BEING MORE FARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CHAINLINK FENCE POST IN THE WEST RIGHT OF WAY LINE OF LOCKWOOD DRIVE (CALLED 100 FEET WIDE) MARKING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE NORTHEAST CORNER OF THAT CERTAIN CALLED 12.3683 ACRE TRACT OF LAND DESCRIBED UNDER M-771363;

THENCE SOUTH 89 DEGREES 58 MINUTES OD SECONDS WEST, ALONG AND WITH THE NORTH LINE OF SAID 12.3663 ACRE TRACT, A DISTANCE OF 540,17 FEET TO A 5/8-INCH CAPPED IRON ROD FOUND IN THE EAST LINE OF RESTRICTED RESERVE "A", IN BLOCK I OF MT, CORNTH MISSIONARY BAPTIST CHURCH, A SUBDIVISION IN HARRIS HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 492038 OF THE HARRIS COUNTY MAP RECORDS, MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 12.3663 ACRE TRACT;

THENCE NORTH OD DEGREES 02 MINUTES OD SECONDS WEST, ALONG AND WITH THE EAST LINE OF SAID RESTRICTED RESERVE 'A", AT 94.84 FEET PASSING A 5/8-MICH IRON ROD FOLIND MARKING THE NORTHEAST CORNER OF SAID RESTRICTED RESERVE 'A" AND BEING AT THE EAST LINE OF THAT CERTAIN 20 FOOT WIDE DRAINAGE DITCH AS DEPICIED IN THE RECORDED PLAT OF PARKHILL ADDITION. SECTION 2, A SUBDIMISION IN THE HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 25, PAGE 23 OF THE HARRIS COUNTY MAP RECORDS, CONTINUING IN ALL A TOTAL DISTANCE OF 713.97 FEET TO AN 'X' IN CONCRETE FOUND IN THE SOUTH RIGHT OF WAY LINE OF SONDRA STREET. (CALLED 50 FEET WIDE AT THIS POINT) MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH BE DEGREES 35 MINUTES OF SECONDS EAST, ALONG AND WITH THE SOUTH RIGHT OF WAY LINE OF SAID SONORA STREET, A DISTANCE OF 525.17 FEET TO A 5/5-INCH CAPPED IRON ROD FOUND MARKING THE MOST NORTHERLY NORTHEAST CUTBACK CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 45 DEGREES 02 MINUTES OF SECONDS EAST, ALONG AND WITH SAID CUTBACK, A DISTANCE OF 21.21 FEET TO A 5/8-INCH CAPPED IRON ROD FOUND IN THE WEST RIGHT OF WAY LINE OF SAID LOCKWOOD DRIVE MARKING THE NOST EASTERLY NORTHEAST CUTBACK CORNER OF THE HEREIN DESCRIBED TRACT;

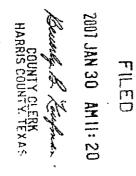
THENCE SOUTH OD DEGREES OF MINUTES DO SECONDS EAST, ALONG AND WITH THE WEST RIGHT OF WAY LINE OF SAID LOCKWOOD DRIVE, A DISTANCE OF 698.97 FEET TO THE PLACE OF BEGINNING AND CONTAINING 8.8511 ACRES. OR 343,653 SQUARE FEET OF LAND.

ARY PROVIDED HEREIN WHICH RETINCTS THE DLE NEXTAL OR USE OF THE DESCRIED REAL PROPERTY RECARE OF CELOR OR NACE IN INALID AND RESPONSEME LADRE TEDENAL DAR. THE STATE OF TEXAS COUNTY OF HARMING. Inversivy county that this manument was FILED in File Number Sections on the data and a file time stammed hardon by the same was duly RECORDED, in the Official Public Receives of Real Property of Harts County, Taking on

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Lung & Kyson

COLINTY GLERK HABBILL COUNTY, TEXAS



RECORDER'S MEMORANDUM: At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon of photo copy, discolored paper, etc. All blockouts additions and changes were present at the time the instrument was filed and recorded. g:2011/0095838/15358H(App3).pdf

| 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? | ⊙Yes | ON0 ³ | ONA |
|--|---------------------------------------|------------------|------------------------|
| ³ Do not submit application. ⁴ NA only when no such municipality, private well owner, or retail public utility exists | | | |
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| ASD Information: List all existing TCEQ and US Environmental Protection Agency registration, permit, SWR No:, VCP No., LPST ID No., UIC Registration No:, PWS ID. No.), if any, that a contamination situation within the proposed MSD boundary. State "none" if none ap TCEQ SWR No. 31157; EPA ID No. TXD008070161; TCEQ Order Docket No. 1999 | pply to the plicable. | groundwat | rs (e.g., ler |
| Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{Ing})? | €Yes | | ON0 ⁶ |
| Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.) | Yes, w | /hen? /1998 | ON0 |
| Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water? | OYes⁵ | | 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? | OYes ⁶ | | ⊙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: See Attachment A | ⊙Yes | | ON0 |
| 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? | ⊙Yes | | ON0 ⁶ |
| 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? | ⊙Ye | s | ON₀ |
| ⁶ "Potable water" means water that is used for irrigating crops intended for human coshowering, bathing, or cooking purposes [THSC §361.801(2)]. ⁶ Do not submit an application. | onsumption | , drinking, | |

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.

<u>| - 17 - 2011</u> Date PARTNER ret Broch arlia U Applicant Signature

| Before me SUZANNEL Sh | acred the undersigned authority, on this day personally appeared |
|-----------------------|--|
| Charles WESTBROOK | and signed this Municipal Setting Designation Application. |
| Name of Applicant | - · · · · · |

| Sworn, subscribed and signed before me in the County of day of <i>pricessy</i> , this month of <i>pricessy</i> , 20 <u>11</u> . TCEQ-20149 June 2007 | Harris 2 | , State of <u>7e4ao</u> , on the <u>7</u> Suzande Lochoen Notary Public State of Texas Comm. Exp. 10-21-14 | , |
|--|-------------|--|---|
| Texas Registered Engineering Firm F-2393 | | g:\2010\0095838\15358Hrpt(MSD).pdf | |