

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.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 June, 2011

A handwritten signature in black ink, appearing to read "Mark R. Vickery", written over a horizontal line.

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

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-280901, SAID 8.8511 ACRES OR 385,553 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY 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 00 SECONDS WEST, ALONG AND WITH THE NORTH LINE OF SAID 12.3683 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 1 OF MT. CORINTH 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 12.3683 ACRE TRACT;

THENCE NORTH 00 DEGREES 02 MINUTES 00 SECONDS WEST, ALONG AND WITH THE EAST LINE OF SAID RESTRICTED RESERVE "A", AT 94.84 FEET PASSING A 5/8-INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID RESTRICTED RESERVE "A" AND BEING AT THE EAST LINE OF THAT CERTAIN 20 FOOT WIDE DRAINAGE DITCH AS DEPICTED IN THE RECORDED PLAT OF PARKHILL ADDITION, SECTION 2, A SUBDIVISION 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 SONORA STREET. (CALLED 60 FEET WIDE AT THIS POINT) MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 88 DEGREES 58 MINUTES 00 SECONDS EAST, ALONG AND WITH THE SOUTH RIGHT OF WAY LINE OF SAID SONORA STREET, A DISTANCE OF 523.17 FEET TO A 5/8-INCH CAPPED IRON ROD FOUND MARKING THE MOST NORTHERLY NORTHEAST CUTBACK CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 45 DEGREES 02 MINUTES 00 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 MOST EASTERLY NORTHEAST CUTBACK CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 02 MINUTES 00 SECONDS EAST, ALONG AND WITH THE WEST RIGHT OF WAY LINE OF SAID LOCKWOOD DRIVE, A DISTANCE OF 688.97 FEET TO THE PLACE OF BEGINNING AND CONTAINING 8.8511 ACRES OR 385,553 SQUARE FEET OF LAND.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

JAN 30 2007



Conroy B. Hoffman
COUNTY CLERK
HARRIS COUNTY, TEXAS

2007 JAN 30 AM 11:20
FILED
County Clerk
HARRIS 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 or 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

Exhibit "B"
MSD 164

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. TCEQ SWR No. 31157; EPA ID No. TXD008070161; TCEQ Order Docket No. 1999-04341-IHW-E		
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 ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 7 / /1998	<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: See Attachment A	<input checked="" type="radio"/> Yes	<input 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 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?	<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.

Charles Westbrook PARTNER
Applicant Signature

1-17-2011
Date

Before me, Suzanne L. Schoen the undersigned authority, on this day personally appeared

Charles Westbrook and signed this Municipal Setting Designation Application.
Name of Notary
Name of Applicant

Sworn, subscribed and signed before me in the County of Harris, State of Texas, on the 17 day of January, this month of January, 2011.

TCEQ-20149 June 2007

