

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 30, 2008

Mr. Jim Casey, Managing Director
Lakeview BP Land, LP
2800 Post Oak Boulevard, Suite 2300
Houston, TX 77056

RE: Municipal Setting Designation (MSD) Certificate for Former Wollowisp Country Club Maintenance Area, 14502 Fondren Road, Missouri City, Fort Bend County, TX; MSD No. 79

Dear Mr. Casey:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "mfrew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF:ss

Enclosure

cc: Ron Dildine, VCP 2097 Project Manager, Remediation Division, MC-137

Texas Commission on Environmental Quality



Municipal Setting Designation

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. 79, in the City of Missouri City, 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 23rd day of October, 2008

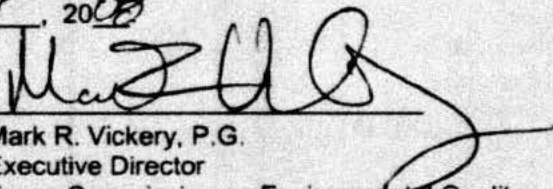

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

Exhibit A

Municipal Setting Designation Property Description

0-10000-10000-10000

LOT LBP 29

DESCRIPTION OF A TRACT OF LAND CONTAINING 3.9294 ACRES (171,166 SQUARE FEET) BEING LOT 29, BLOCK 4, LAKEVIEW BUSINESS PARK OUT OF THE I. & G. N. R.R. SURVEY NO. 4, A-263, IN FORT BEND COUNTY, TEXAS

Being a tract of land containing 3.9294 acres (171,166 square feet) located in the I. & G. N. R.R. Survey No. 4, A-263 in Fort Bend County, Texas, and being all of Lot 29, Block 4, Lakeview Business Park as recorded in Slide No. 20080032 of the Map Records of Fort Bend County; Said 3.9294 acres being more particularly described as follows:

COMMENCING FOR REFERENCE at a found 5/8-inch iron rod located in the southeasterly right-of-way line of Settegast Road (Buffalo Run) (100 feet wide at this point) for the northwest corner of said Lakeview Business Park and for the northeast corner of Lot 19, Block 6, Hunters Park, Section One, Patio Homes, a subdivision plat recorded on Slide No. 432A of the Map Records of Fort Bend County, Texas;

THENCE North 68° 34' 03" East with the southeasterly right-of-way line of said Settegast Road (Buffalo Run) and the northwesterly line of said Lakeview Business Park, a distance of 1858.69 feet to a point;

THENCE South 21° 25' 57" East, a distance of 608.85 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the west corner of Lot 30, Block 4, located in the southerly line of Willow Oak Drive (60 feet wide);

THENCE North 62° 39' 59" East, along the southerly line of said Willow Oak Drive and the northerly line of said Lot 30, a distance of 379.01 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the north corner of said Lot 30, the west corner of said Lot 29 and for the **POINT OF BEGINNING**;

THENCE North 62° 39' 59" East, a distance of 392.73 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the north corner of said Lot 29;

THENCE South 27° 40' 22" East, a distance of 435.22 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the east corner of said Lot 29;

THENCE South 62° 29' 06" West, a distance of 392.72 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the south corner of said Lot 29;

THENCE North 27° 40' 22" West, a distance of 436.47 feet to the **POINT OF BEGINNING** and containing 3.9294 acres (171,166 square feet) of land, more or less.

Note: The bearings in this description are based on the recorded plat of the above mentioned Lakeview Business Park.

Cobb, Fendley & Associates, Inc.
13430 NW Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 0607-159-00-66
September 17, 2007
Revised: June 6, 2008



A handwritten signature in cursive script, appearing to read "Blaine Fisher".

LOT LBP 30

DESCRIPTION OF A TRACT OF LAND CONTAINING
3.8027 ACRES (165,648 SQUARE FEET) BEING LOT 30,
BLOCK 4, LAKEVIEW BUSINESS PARK OUT OF THE
I. & G. N. R.R. SURVEY NO. 4, A-263, IN FORT BEND
COUNTY, TEXAS

Being a tract of land containing 3.8028 acres (165,648 square feet) located in the I. & G. N. R.R. Survey No. 4, A-263 in Fort Bend County, Texas, and being all of Lot 30, Block 4, Lakeview Business Park as recorded in Slide No. 20080032 of the Map Records of Fort Bend County; Said 3.8027 acres being more particularly described as follows:

COMMENCING FOR REFERENCE at a found 5/8-inch iron rod located in the southeasterly right-of-way line of Settegast Road (Buffalo Run) (100 feet wide at this point) for the northwest corner of said Lakeview Business Park and for the northeast corner of Lot 19, Block 6, Hunters Park, Section One, Patio Homes, a subdivision plat recorded on Slide No. 432A of the Map Records of Fort Bend County, Texas;

THENCE North 68° 34' 03" East with the southeasterly right-of-way line of said Settegast Road (Buffalo Run) and the northwesterly line of said Lakeview Business Park, a distance of 1858.69 feet to a point;

THENCE South 21° 25' 57" East, a distance of 608.85 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the west corner of said Lot 30 and for the **POINT OF BEGINNING**;

THENCE North 62° 39' 59" East, a distance of 379.01 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the north corner of said Lot 30;

THENCE South 27° 40' 22" East, a distance of 436.47 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the east corner of said Lot 30;

THENCE South 62° 29' 06" West, a distance of 379.00 feet to a found 5/8 inch iron rod with a cap stamped COBB, FENDLEY & ASSOCIATES for the south corner of said Lot 30;

THENCE North 27° 40' 22" West, a distance of 437.67 feet to the **POINT OF BEGINNING** and containing 3.8027 acres (165,648 square feet) of land, more or less.

Note: The bearings in this description are based on the recorded plat of the above mentioned Lakeview Business Park.

Cobb, Fendley & Associates, Inc.
13430 NW Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 0607-159-00-66
September 17, 2007
Revised June 6, 2008



A handwritten signature in cursive script that reads "Blaine Fisher".

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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.
VCP ID No. 2097

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GWing})?	<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? 9 / 17 / 2007	<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 ⁶	<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 ⁶	<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 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.

Applicant Signature of Page 3 of 3

Owner:

Lakeview BP Land, LP
a Delaware limited partnership

By: Lakeview BP Land GP, LLC
a Delaware limited liability company
Its General Partner

By: TC-CH Realty IV Venture, LLC
a Delaware limited liability company
Its Sole Member

By: TCGKRS Associates, Inc.
a Delaware corporation
Its Managing Member

By: *James M. Casey*
James M. Casey
Executive Vice President

Date: 7/28/08

Before me *Kimberly Elizabeth Musgrove* the undersigned authority, on this day
Name of Notary
personally appeared *James M. Casey* and signed this Municipal Setting
Name of Applicant
Designation Application.

Sworn, subscribed and signed before me in the County of *Harris*, State
of *Texas*, on the day of *28th*, this month of *July*, 20 *08*.

