

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 3, 2019

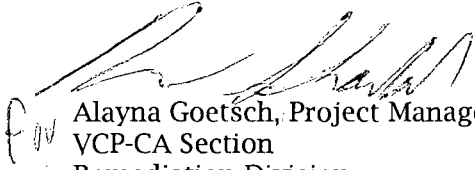
Mr. Richard Byrd
Bingle Storage, LP
10210 North Central Expressway, Suite 300
Dallas, Texas 75231

Re: Municipal Setting Designation (MSD) Certificate for Bingle Storage LP for Bingle Food Store Site, located at 1508 Bingle Road, Houston, Harris County, Texas; Municipal Setting Designation (MSD) No. 402; Voluntary Cleanup Program (VCP) Nos. 2822; Customer No. CN605170141; Regulated Entity No. RN100880459

Dear Mr. Byrd:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on October 1, 2018 and additional information supporting this MSD application on February 2, 2019 and May 29, 2019. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2236.

Sincerely,


Alayna Goetsch, Project Manager
VCP-CA Section
Remediation Division

AMG/jdm

Enclosure: MSD Certificate

cc: Mr. Jason Binford, ESE Partners, 19416 Park Row, Suite 120, Houston, Texas 77084
Ms. Alma Jefferson, Waste Section Manager, TCEQ Region 12 Office, Houston

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):

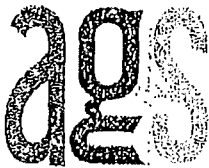
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 402, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 26th day of June, 2019

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality



AGS Consultants, LLC
16800 Greenspoint Park Ste. 180N
Houston, Texas 77060
Telephone: 832-301-3815
Fax: 832-413-5210

**METES AND BOUNDS OF
0.910 OF ONE ACRE OF LAND SITUATED IN THE
A.H. OSBORNE CO. SURVEY, ABSTRACT NO. 610
CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

Being a 0.910 of one acre (39,626 square feet) tract out of the A. H. Osborne Co. Survey, Abstract No. 610, City of Houston, Harris County, Texas and being all of Unrestricted Reserve "A", Block 1 of Bingle Self Storage Subdivision as recorded under Film Code No. 681086 of the Harris County Map Records (H.C.M.R.) and being out of a called 0.9890 acre tract conveyed to Bingle Storage, LP as recorded under Harris County Clerk File (H.C.C.F.) No. 20160379197 of the Official Public Records of Real Property, Harris County, Texas (O.P.R.O.R.P.H.C.T.) and being more particularly described by metes and bounds as follows:


BEGINNING at a found 5/8-inch iron rod with cap stamped "AGS Consultants" in the east right-of-way line of Bingle Road (right-of-way varies as found monumented) and for the northwest corner of said Unrestricted Reserve "A" and from which the southwest corner of a tract of land known as Tract 25 of the A.H. Osbourne Survey, Abstract No. 610 known as "1512 Bingle Road, Houston, Texas 77055" as conveyed to Douglas Bench and recorded under Harris County Clerk File No. 20150175633 (tract being described by metes and bounds in a deed recorded under Volume 1948, Page 381 Harris County Deed Records) bears North 88°51'19" West, 20.25 feet a found 1-inch iron pipe bent;

THENCE, South 88°51'19" East, 244.22 feet along the north line of said Unrestricted Reserve "A" and the south line of the Douglas Bench tract to a found 1-Inch Iron pipe for the northeast corner of Unrestricted Reserve "A" and the herein described tract and being in the west line of Lot 36, Block 2 of Replat of Springs Oaks Subdivision as recorded under Volume 40, Page 47 of the Harris County Map Records;

THENCE, South 01°24'33" East, 169.54 feet along the east line of said Unrestricted Reserve "A" to a point (unable to set) for the northeast corner of a called 0.8634 acre tract conveyed to Gradline Assessts, Inc. as recorded under Harris County Clerk File No. 20070657483 and for the southeast corner of said called Unrestricted Reserve "A" and hereof;

THENCE, North 88°38'01" West, 225.00 feet along the south line of said Unrestricted Reserve "A" to a found 5/8-inch iron rod with cap stamped "AGS Consultants" for the southwest corner of Unrestricted Reserve "A" and hereof and from which 1/2-inch iron rod with cap stamped "Landtech" in the east right-of-way line of Bingle Road bears North 88°38'01" West, 20.26 feet;

THENCE, North 07°53'03" West, 170.62 feet along the east right-of-way line of Bingle Road to the **POINT OF BEGINNING** and containing 0.910 of one acre tract (39,626 square feet) of land.



Grace Y. Cervin
Registered Professional Land Surveyor No. 5564
TBPLS Firm No. 10193810
April 11, 2017
Job No. 0078-016-16



Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared JULIAN HAWES, JR., as an authorized representative of Bingle Storage, L.P., known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 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 has been 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.

Bingle Storage LP

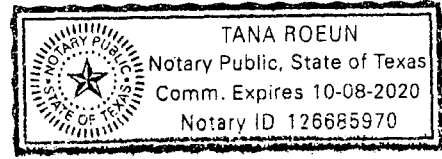
[Signature]
Signature

Date: 9-14-18

Julian Hawes
Printed Name

Vice President of General Partner
Title

STATE OF TEXAS
COUNTY OF DALLAS



SUBSCRIBED AND SWORN before me on this the 14 day of SEPTEMBER 2018, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of TEXAS