

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 12, 2012

Mr. Edwin Freedman, President
8880 Bellaire, L.P.
4545 Bissonnet, Suite 100
Houston, Texas 77401

RE: Municipal Setting Designation (MSD) Certificate for 8880 Bellaire,
L.P., 8880 Bellaire Boulevard, Suite G, Houston, Harris County, Texas;
MSD No. 202

Dear Mr. Freedman:

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) 239-0053 or via e-mail (Peter.Silkworth@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Pete Silkworth".

Pete Silkworth, Project Manager
VCP-CA Section
Remediation Division

PS/jdm

Enclosure

cc: Mr. Michael Marcon, [REDACTED]

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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 202, 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 6th day of November 20 12



Zak Covar
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"

Legal Description

All that certain 3.362 acre tract of land being located in the J. M. Swisher Survey, A-1110, Harris County, Texas, more particularly being a portion of that certain 7.943 acre tract conveyed to Joe B. Ridings, Trustee, by instrument of record in Volume 7391, page 499, Mortgage Records, Harris County, Texas, and said 3.362 acres being more particularly described by metes and bounds as follows:

COMMENCING at a point of reference, said point being the intersection of the westerly line of South Gessner Road (100.00 feet wide) and the northerly line of Bellaire Boulevard (150.00 feet wide), said point also being the southeasterly corner of that certain 29,327 square foot tract leased to Texaco, Inc. by instrument of record in Volume 2131, Page 569, Contract Records, Harris County, Texas;

THENCE, West along said northerly line of Bellaire Boulevard, 565.00 feet to the POINT OF BEGINNING:

THENCE, continuing West along said northerly line of Bellaire Boulevard, 394.15 feet to a found 5/8-inch iron rod for corner, said point being the southeasterly corner of that certain 0.5746 acre tract described as Tract II and conveyed to Thad Grundy, Trustee, by instrument of record under File No. E-103583, Film Code No. 175-33-2570, Official Public Records of Real Property of Harris County, Texas;

THENCE, leaving said northerly line of Bellaire Boulevard and with the easterly line of said 0.5746 acre tract the following five (5) courses:

1. North, 77.63 feet to a found 5/8-inch iron rod, the beginning of a curve;
2. Along the arc of a tangent curve to the left, said curve being subtended by a Central Angle of $24^{\circ}16'40''$, having a Radius of 320.00 feet, and an Arc Length of 135.50 feet to a found 5/8-inch iron rod, a point of tangency;
3. North $24^{\circ}16'40''$ West, 26.90 feet to a found 5/8-inch iron rod, the beginning of a curve;
4. Along the arc of a tangent curve to the right, said curve being subtended by a Central Angle of $24^{\circ}16'40''$, having a Radius of 265.00 feet, and an Arc Length of 112.29 feet to a found 5/8-inch iron rod, a point of tangency;
5. North, 7.31 feet to a found 5/8-inch iron rod for corner, said point being the northeasterly corner of said 0.5746 acre tract and in the southerly line of said certain 36.908 acre tract described as Tract I and conveyed to Thad Grundy, Trustee, by instrument of record under File No. E-103583, Film Code No. 175-33-2570, Official Public Records of Real Property of Harris County, Texas;

THENCE, East with the southerly line of said 36.908 acre tract, 456.95 feet to a found 5/8 inch iron rod for corner,

THENCE, leaving the southerly line of said 36.908 acre tract, South 349.99 feet to the POINT OF BEGINNING and containing an area of 3.362 acres (146,464 square feet) of land.

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Michael F. Marcon (InControl Technologies, Inc.), as an authorized representative of 8880 Belleiro, 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.

Michael F. Marcon
Signature

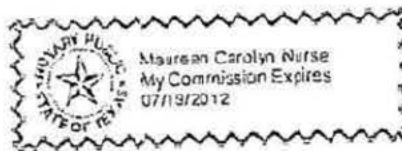
Date: 3/28/2012

Michael F. Marcon
Printed Name

Principal - InControl Technologies, Inc.
Title

STATE OF Texas

COUNTY OF Harris



MAUREEN CAROLYN NURSE

SUBSCRIBED AND SWORN before me on this the 28 day of March 2012, to which witness my hand and seal of office.

Maureen Carolyn Nurse
Notary Public in and for the State of TEXAS