

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 9, 2017

Mr. Brian Maxwell, City Manager
City of Galveston
823 Rosenberg
Galveston, Texas 77551

Re: Municipal Setting Designation (MSD) Certificate for Brian Maxwell, Old Municipal Incinerator Site, #3 Lennox Lane, Galveston, Galveston County, TX; MSD No. 333; Customer No. CN600241376; Regulated Entity No. RN102540095

Dear Mr. Maxwell:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on July 7, 2016 and additional information supporting this MSD application on December 12, 2016. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-4940 or via e-mail (robert.anderson@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Anderson".

Robert Anderson, Project Manager
VCP-CA Section
Remediation Division

RA/jdm

cc: Mr. Douglas E. Zarker, PG, Project Manager, AECOM, 9400 Amberglen Blvd, Austin, TX
Mr. Jason Ybarra, Waste Section Manager, TCEQ Region 12 Office, Houston

Enclosure: MSD Certificate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS 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. 333, in the City of Galveston, 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 4th day of January, 2017

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

GALVESTON COUNTY TEXAS **EDWARD HALL & LEVI JONES SURVEY**
ABSTRACT 121

MICHAEL B. MENARD SURVEY
ABSTRACT 628

NOTES:

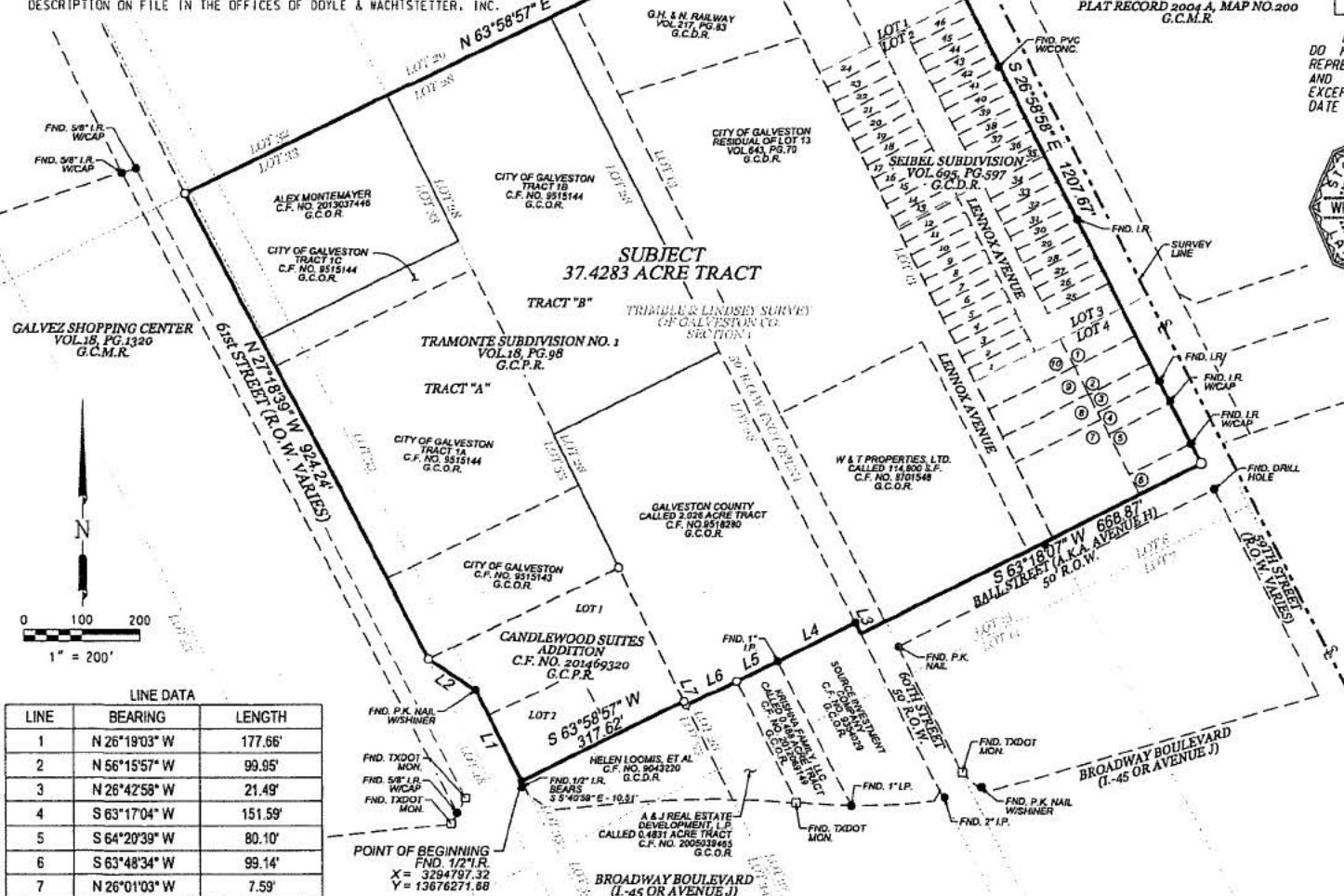
1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF = 0.999867503)
3. INFORMATION CONTAINED ON THIS SURVEY IS FROM THE GALVESTON COUNTY COURTHOUSE AND PRIVATE RECORDS. RESEARCH BY AUTHOR AND PROVIDED BY OWNER. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS PLAT IS PART OF A SURVEY REPORT INCLUDING A METES AND BOUNDS DESCRIPTION ON FILE IN THE OFFICES OF DOYLE & WACHSTETTER, INC.

OWNERSHIP TABLE		
TRACT	OWNER	RECORDED IN
1	SARAH J. ALFORD	C.F. NO. 9825869, G.C.O.R.
2	ROBERT E. HOSKINS, ET AL	C.F. NO. 2013061965, G.C.O.R.
3	LUMBERMAN HOMES, INC.	C.F. NO. 2009027497, G.C.O.R.
4	TROY MCLEHANY	C.F. NO. 2005077328, G.C.O.R.
5	CHARLES KAUFMANN, ET AL	C.F. NO. 2011058646, G.C.O.R.
6	CITY OF GALVESTON	C.F. NO. 2001054058, G.C.O.R.
7	JESUS G. SALINAS, ET AL	C.F. NO. 2000039656, G.C.O.R.
8	DAVID J. BROWN	C.F. NO. 2000006770, G.C.O.R.
9	WILBERT WILLIAMS	C.F. NO. 9536805, G.C.O.R.
10	ROSARIA TROST	VOL. 1639, PG. 299, G.C.D.R.

I, **WM. PATRICK DOYLE**, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN HEREON.
 DATE SURVEYED: DECEMBER 9, 2015



WM. PATRICK DOYLE
WM. PATRICK DOYLE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NUMBER 4467



SURVEY PLAT OF
37.4283 ACRE TRACT
 BEING A PORTION OF ALL THAT CERTAIN
LOTS 8, 13, 28 AND 32
 OF THE
SECTION 1 OF THE TRIMBLE & LINDSEY
SURVEY OF GALVESTON ISLAND
 IN THE
EDWARD HALL & LEVI JONES SURVEY
ABSTRACT 121
GALVESTON COUNTY, TEXAS.
 FOR
AECOM

LINE DATA

LINE	BEARING	LENGTH
1	N 26°19'03" W	177.86'
2	N 56°15'57" W	99.95'
3	N 26°42'58" W	21.49'
4	S 63°17'04" W	151.59'
5	S 64°20'39" W	80.10'
6	S 63°48'34" W	99.14'
7	N 26°01'03" W	7.59'

POINT OF BEGINNING
 FND. 1/2" I.R.
 X = 3294797.32
 Y = 13676271.88

Doyle & Wachtstetter, Inc.
 Surveying and Mapping GPS/GIS
 131 COMMERCE STREET, CLUTE, TEXAS 77531
 OFFICE: 979.263.2622 FAX: 979.263.9949 FIRM NO: 10021500
 SURVEYED: 12-9-15 BOOK: GALVESTON VOL. 7 PROJECT NO. 854-15-03
 DRAWN BY: JAM/12-23-15 CHECKED: WPD/12-23-15 REVISED:



Doyle & Wachtstetter, Inc
Surveying and Mapping • GPS/GIS

**37.4283 ACRE TRACT
EDWARD HALL & LEVI JONES SURVEY, ABSTRACT 121
GALVESTON COUNTY, TEXAS
PAGE 1 OF 3**

ALL THAT CERTAIN 37.4283 ACRE tract, situated and lying in the Edward Hall and Levi Jones Survey, Abstract 121, Galveston County, Texas, being a portion of the Lots 8, 13, 28 and 33 of the unrecorded plat of Section 1 of the Trimble and Lindsey Survey of Galveston County, being all of Lot 1 and a portion of Lot 4 of Subdivision No. 4 of the Subdivision of Lot 8 of Section 1 of the Trimble and Lindsey Survey, according to the map or plat recorded in Volume 163, Page 566 of the Galveston County Deed Records (G.C.D.R.), Lots 1 through 46 and a 50 foot right-of-way according to the map or plat thereof of the Seibel Subdivision of Tracts 2 and 3, Division 8, Section 1 of the Trimble and Lindsey Survey of Galveston County, according to the map or plat thereof recorded in Volume 695, Page 597 of the G.C.D.R., all of Tract A and Tract B of the Final Tramonte Subdivision No. 1, according to the map or plat thereof recorded in Volume 18, Page 98 of the Galveston County Plat Records (G.C.P.R.) and Lots 1 and 2 of Candlewood Suites Addition, according to the map or plat thereof recorded in Clerk's File No. 201469320 of the G.C.P.R., said 37.4283 acre tract being comprised of the following tracts: a portion of all that certain called 2.026 acre tract conveyed by deed recorded on May 22, 1995 from the University National Bank to The City of Galveston County, Texas, as recorded in Clerk's File No. 9518280 of the Galveston County Official Records (G.C.O.R.), all that certain tract conveyed by deed recorded on April 28, 1995 from the Bank of the West to the City of Galveston as recorded in Clerk's File No. 9515143 of the G.C.O.R., all those certain tracts, Tract 1A, 1B and 1C, being a portion of Tract A and Tract B of Tramonte Subdivision, conveyed by deed recorded April 28, 1995 from The Moody National Bank of Galveston to The City of Galveston as recorded in Clerk's File No. 9515144 of the G.C.O.R., all that certain tract of land conveyed by deed recorded on June 14, 2013 from Peter G. Kovacevich, et ux to Alex Montemayor as recorded in Clerk's File No. 2013037446 of the G.C.O.R., all that certain tract of land, being a portion of said Lot 13 of Section 1 of the Trimble and Lindsey Survey of Galveston County and a portion of Lot No 1 of Subdivision No. 4 of the Subdivision of Lot 8 of Section 1 of the Trimble and Lindsey Survey, conveyed by deed recorded on June 9, 1906 from the Galveston, Houston & Northern Railway Company to The Galveston, Harrisburg and San Antonio Railway Company as recorded in Volume 217, Page 83 of the G.C.D.R., all that certain tract of land conveyed by deed recorded on March 10, 1942 from B. C. Franklin Leonard, et al, to the City of Galveston as recorded in Volume 643, Page 70 of the G.C.D.R., all those certain tracts of land conveyed by deed recorded on December 19, 2012 from James D. Yarbrough to James D. Yarbrough, et al as recorded in Clerk's File No. 2012069418 of the G.C.O.R., a portion of all that certain called 114,600 square foot tract of land, conveyed by deed recorded on January 13, 1987 from Watson & Taylor Realty Company to W&T Properties, Ltd., as recorded in Clerk's File No. 8701548 of the G.C.O.R., all that certain tract of land conveyed by deed recorded on June 5, 1998 from John Reed, et ux to Sarah J. Alford, as recorded in Clerk's File No. 9825869 of the G.C.O.R., all that certain tract of land conveyed by Affidavit of Heirship recorded on September 27, 2013 to Robert E. Hoskins, et al as recorded in Clerk's File No. 2013061965 of the G.C.O.R., all that certain tract of land conveyed by sheriff's deed recorded on May 26, 2009 from the County of Galveston, et al to Lumberman Homes, Inc. as recorded in Clerk's File No. 2009027497 of the G.C.O.R., all that certain tract of land conveyed by deed recorded on November 9, 2005 from Wilbert Williams to Troy McLehany as recorded in Clerk's File No. 2005077328 of the G.C.O.R., all that certain called 0.2222 acre tract of land conveyed by deed recorded on November 17, 2011 from Troy McLehany to Charles Kaufmann, et al as recorded in Clerk's File No. 2011058646 of the G.C.O.R., all that certain called 0.111 acre tract conveyed by deed recorded on October 15, 2001 from Wilbert Williams to the City of Galveston as recorded in Clerk's File No. 2001054058 of the G.C.O.R., all that certain tract of land conveyed by deed recorded on August 7, 2000 from Federico Aguillon to Jesus G. Salinas, et al as recorded in Clerk's File No. 2000039656 of the G.C.O.R., all that certain tract of land conveyed by sheriff's deed recorded on February 14, 200 from Galveston Independent School District, et al to David J. Brown, as recorded in Clerk's File No. 2000006770 of the G.C.O.R., all that certain tract of land, conveyed by deed recorded on September 25, 1995 from Viola Jones to Wilbert Williams as recorded in Clerk's File No. 9536805 of the G.C.O.R., all that certain tract of land of land conveyed by deed recorded on July 14, 1964 from Jessie Mae Thompson Sowell to Rosaria Trost as recorded in Volume 1639, Page 299 of the G.C.D.R., said herein described 37.4283 acre tract hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD 83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths, (S.F. = 0.999867503) as follows:

**37.4283 ACRE TRACT
EDWARD HALL & LEVI JONES SURVEY, ABSTRACT 121
GALVESTON COUNTY, TEXAS
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BEGINNING at a ½" iron rod found marking the South corner of Lot 2 of said Candlewood Suites Addition, same being the northwest corner of all that certain tract of land, conveyed by deed recorded on December 28, 1990 from Helen Loomis, et al to Helen Loomis, et al, as recorded in Clerk's File No. 9043220 of the G.C.O.R., located on the northeastern right-of-way boundary line of 61st Street (right-of-way varies), for the South corner of the herein described 37.4283 acre tract, said Point of Beginning being located at Texas State Plane coordinate position X=3294797.32 and Y=13676271.68;

THENCE North 26°19'03" West, coincident with the northeastern right-of-way boundary line of said 61st Street (right-of-way varies), same being the southwestern boundary line of Lot 1 and Lot 2 of said Candlewood Suites Addition, a distance of 177.66 feet to a p.k. nail found marking an angle corner of Lot 1 of said Candlewood Suites and the herein described 37.4283 acre tract, at position X=3294718.57 and Y=13676430.91;

THENCE North 56°15'57" West, coincident with the northeastern right-of-way boundary line of said 61st Street (right-of-way varies), same being the southwestern boundary line of Lot 1 of said Candlewood Suites Addition, a distance of 99.95 feet to a point for the West corner of said Lot 1 of Candlewood Suites Addition, same being the South corner of said Tract "A" of Tramonte Subdivision No. 1 and the South corner of said City of Galveston tract, recorded in Clerk's File No. 9515143 of the G.C.O.R., for an angle corner of the herein described 37.4283 acre tract, at position X=3294635.49 and Y=13676486.40;

THENCE North 27°18'39" West, coincident with the northeastern right-of-way boundary line of said 61st Street (right-of-way varies), the southwestern boundary line of said Tract "A" and Tract "B" of said Tramonte Subdivision No. 1, same being the southwestern boundary line of said City of Galveston tract recorded in Clerk's File No. 9515143, the southwest boundary line of said City of Galveston Tract 1A and Tract 1C and the southwestern boundary line of said Alex Montemayor tract, a distance of 924.24 feet to the West corner of said Alex Montemayor tract and the West corner of the herein described 37.4283 acre tract, at position X=3294211.46 and Y=13677307.51;

THENCE North 63°58'57" East, coincident with the northwestern boundary line of said Lot 33, Lot 28, Lot 13 and Lot 8 same being the northwestern boundary line of said Alex Montemayor tract, the northwestern boundary line of said City of Galveston Tract 1B, the northwestern boundary line of said Galveston, Harrisburg & San Antonio Railway Company, a distance of 1369.32 feet to the North corner of said Lot 1 of Subdivision No. 4 of Lot 8 of Section 1 of the Trimble and Lindsey Survey of Galveston Island, located on the southwestern right-of-way boundary line of 59th Street, right-of-way varies, for the North corner of the herein described 37.4283 acre tract, at position X=3295441.85 and Y= 13677908.08;

THENCE South 26°58'58" East, coincident with the southwestern right-of-way boundary line of said 59th Street, right-of-way varies, the northeastern boundary line of said Lot 8 of Section 1 of the Trimble and Lindsey Survey of Galveston Island, same being the northeastern boundary line of the said Galveston, Harrisburg and San Antonio Railway Company tract, the northeastern boundary line of said James Yarbrough, et al tract, the northeastern boundary line of Lots 25 through 46 of said Seibel Subdivision, the northeastern boundary line of said Sarah J. Alford tract, said Robert E. Hoskins, et al tract, said Lumberman Homes, Inc. tract, said Troy McLehany tract, said Charles Kaufmann, et al tract and said City of Galveston called 0.111 acre tract, a distance of 1207.67 feet to the intersection of the southwestern right-of-way boundary line of said 59th Street (right-of-way varies) and 50 foot wide Ball Street (A.K.A Avenue H) for the East corner of said City of Galveston called 0.111 acre tract and the herein described 37.4283 acre tract, at position X=3295989.72 and Y=13676832.01;

THENCE South 63°18'07" West, coincident with the northwestern right-of-way boundary line of said 50 foot wide Ball Street, same being the southeastern boundary line of said City of Galveston called 0.111 acre tract and the southeastern boundary line of said Jesus G. Salinas, et al tract, a distance of 668.87 feet to the intersection of the northwestern right-of-way boundary line of said 50 foot wide Ball Street and the southwestern right-of-way boundary line of 50 foot wide 60th Street, same being the northeastern boundary line of all that certain tract of land conveyed by deed recorded on December 21, 1993 from Bayshore National Bank of La Porte to Source Investment Company as recorded in Clerk's File No. 9354029 of the G.C.O.R., for an exterior corner of the herein described 37.4283 acre tract, at position X=3295392.24 and Y=13676531.54;

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GALVESTON COUNTY, TEXAS
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THENCE North 26°42'58" West, coincident with the southwestern right-of-way boundary line of said 50 foot wide 60th Street, same being the northeastern boundary line of said Source Investment Company tract, a distance of 21.49 feet to a 2" iron pipe found marking the North corner of said Source Investment Company tract and the South corner of said City of Galveston called 2.026 acre tract, for an interior corner of the herein described 37.4283 acre tract, at position X=3295382.58 and Y=13676550.74;

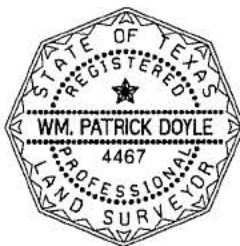
THENCE South 63°17'04" West, coincident with the southeastern boundary line of said City of Galveston called 2.026 acre tract, same being the northwestern boundary line of said Source Investment Company tract, a distance of 151.59 feet to a 1" iron pipe found marking the West corner of said Source Investment Company tract, same being the North corner of that certain tract of land conveyed by deed recorded on December 19, 2012 from Kiritkumar Masrani, M.D., et al to Krishna Family, LLC as recorded in Clerk's File No. 2012069149 of the G.C.O.R., for an angle corner of the herein described 37.4283 acre tract, at position X=3295247.19 and Y=13676482.59;

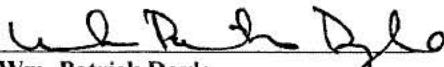
THENCE South 64°20'39" West, coincident with the southeastern boundary line of said City of Galveston called 2.026 acre tract, same being the northwestern boundary line of said Krishna Family, LLC tract, a distance of 80.10 feet to a point, for the West corner of said Krishna Family LLC tract, same being the North corner of all that certain called 0.4831 acre tract conveyed by deed recorded on June 14, 2005 from Raffaella Viotto to A & J Real Estate Development, L.P., as recorded in Clerk's File No. 2005-039465 of the G.C.O.R., for an angle corner of the herein described 37.4283 acre tract, at position X=3295174.99 and Y=13676447.92;

THENCE South 63°48'34" West, coincident with the southeastern boundary line of said City of Galveston called 2.026 acre tract, same being the northwestern boundary line of said A & J Real Estate Development, L.P. called 0.4831 acre tract, a distance of 99.14 feet to a point, located on the northeastern boundary line of said Helen Loomis, et al tract, for an exterior corner of the herein described 37.4283 acre tract, at position X=3295086.04 and Y=13676404.17;

THENCE North 26°01'03" West, coincident with the southwestern boundary line of said City of Galveston called 2.026 acre tract, same being the northeastern boundary line of said Helen Loomis, et al tract, a distance of 7.59 feet to the North corner of said Helen Loomis, et al tract, same being the East corner of Lot 1 of said Candlewood Suites Addition, for an interior corner of the herein described 37.4283 acre tract, at position X=3294966.93 and Y=13676648.20;

THENCE South 63°58'57" West, coincident with the southeastern boundary line of Lot 1 and Lot 2 of said Candlewood Suites Addition, a distance of 317.62 feet to the **POINT OF BEGINNING**, containing 37.4283 acres of land, more or less.





Wm. Patrick Doyle
Registered Professional Land Surveyor
Texas Registration Number 4467
December 23, 2015
Revised: January 8, 2016

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Brian Maxwell, as an authorized representative of City of Galveston, 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.

Brian Maxwell
Signature

Date: 10-5-16

Brian Maxwell
Printed Name

City Manager
Title

STATE OF Texas

COUNTY OF Galveston

SUBSCRIBED AND SWORN before me on this the 10th day of October 2016, to which witness my hand and seal of office.

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

