

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 17, 2019

Mr. Mir Azizi
Yale and I-10 Property Management, LLC
5401 Lawndale, LLC and Yale Midtown Partners, LLC
101 Crawford Street, Suite 100
Houston, Texas 77002-2198

Re: Municipal Setting Designation (MSD) Certificate for 5401 Lawndale LLC, Yale and I-10 Property Management LLC and Yale Midtown Partners, LLC, 357 Yale, 357 Yale Street, Houston, Harris County, Texas; MSD No. 403; Customer No. CN605585496, CN604775767 and CN605585504; Regulated Entity No. RN100889187

Dear Mr. Azizi:

The Texas Commission on Environmental Quality received the above referenced MSD application on October 3, 2018 and additional information supporting this MSD application on February 21, 2019 and April 4, 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) 239-3170 or via e-mail (Lisbeth.chavira@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Lisbeth Chavira", with a long horizontal flourish extending to the right.

Lisbeth Chavira, Project Manager
VCP-CA Section
Remediation Division

LC/jdm

Enclosure: MSD Certificate

cc: Ms. Lauren Grawey, Staff Scientist, InControl Technologies, Inc., 14731 Pebble Bend Drive, Houston, Texas 77068

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. 403, 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 14th day of May, 2019

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Being 1.4931 acres of land situated in the John Austin Survey, Abstract No. 1, City of Houston, Harris County, Texas, and being a portion of that certain called 1.6168 acre tract and a 0.049 acre tract as conveyed to Yale Street Properties, LLC, by deed recorded under Harris County Clerk's File No. 20080612226 and being portions of Block 290, Block 315 and the alleyway between said Blocks, according to the map or plat thereof for the Houston Heights, recorded in Volume 1, Page 114, of the Map Records of Harris County, Texas. Said 1.4931 acre tract being more fully described by metes and bounds as follows:

D

- All bearings referenced herein are based on the monuments found for the northerly right-of-way line of Interstate 10, South 87°17'54" West.

COMMENCING at an aluminum disk (stamped "TxDOT"), found for the northwest boundary corner of a called 0.0046 acre tract as conveyed to the State of Texas, by deed recorded under Harris County Clerk's File No. Y372262, and being the westerly right-of-way line of Yale Street, based on a width of 70 feet;

THENCE North 02°42'06" West, along the westerly right-of-way line of said Yale Street, for a distance of 296.19 feet to a point for corner, said point being the southeasterly boundary corner of said Block 290, and being the intersection of the westerly right-of-way line of said Yale Street with the northerly right-of-way line of said 4th Avenue, based on a width of 70 feet;

THENCE South 87°17'54" West, along the northerly right-of-way line of said 4th Avenue, for a distance of 42.07 feet to a 5/8 inch iron rod with plastic cap found for corner, said iron rod being the **POINT OF BEGINNING** of the herein described tract of land;

THENCE South 87°17'54" West, along the northerly right-of-way line of said 4th Avenue, for a distance of 6.60 feet, a 5/8 inch iron rod with plastic cap found for the northwest right-of-way corner of said 4th Avenue;

THENCE South 02°43'00" East, along the westerly right-of-way line of said 4th Avenue, for a distance of 14.77 feet to a "MAG" nail set for corner;

THENCE South 87°17'00" West, for a distance of 258.82 feet to a "MAG" nail set for corner;

THENCE North 89°11'52" West, for a distance of 69.47 feet to a 5/8 inch iron rod with plastic cap set for corner, said iron rod being located in the easterly boundary line of a called 5.691 acre tract as conveyed to Harris County Flood Control District, by deed recorded in Volume 3488, Page 19 of the Deed Records of Harris County, Texas;

THENCE along the easterly boundary line of the said 5.691 acre tract the following five (5) courses and distances:

ER 054 - 84 - 2367

357 Yale Street (Tract 1)
2.4429 Acres of Land
John Austin Survey, A-1

**METES AND BOUNDS DESCRIPTION
357 YALE STREET(TRACT 1)
2.4429 ACRES OF LAND
JOHN AUSTIN SURVEY, A-1
CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

Being 2.4429 acres of land situated in the John Austin Survey, Abstract No. 1, City of Houston, Harris County, Texas, and being a portion of that certain called 1.2722 acre tract, 0.8029 acre tract and a 0.2009 acre tract as conveyed by deed to Yale Street Properties, LLC, by deed recorded under Harris County Clerk's File No. 20080612225 , and being a portion of that certain called 1.6168 acre tract as conveyed to Yale Street Properties, LLC, by deed recorded under Harris County Clerk's File No. 20080612226 and being portions of Block 314, Block 315, the alleyway between said Blocks and 4th Avenue, according to the map or plat thereof for the Houston Heights, recorded in Volume 1, Page 114, of the Map Records of Harris County, Texas. Said 2.4429 acre tract being more fully described by metes and bounds as follows:

- All bearings referenced herein are based on the monuments found for the northerly right-of-way line of Interstate 10, South 87°17'54" West.

BEGINNING at an aluminum disk (stamped "TxDOT"), found for the northwest boundary corner of a called 0.0046 acre tract as conveyed to the State of Texas, by deed recorded under Harris County Clerk's File No. Y372262, and being the westerly right-of-way line of Yale Street, based on a width of 70 feet;

THENCE South 42°20'03" West, along the northwesterly boundary line of the said 0.0046 acre tract, for a distance of 33.69 feet to a 5/8 inch iron rod with plastic cap found for corner, said iron rod being located in the northerly right-of-way line of Interstate 10, based on a varying width;

THENCE South 87°17'54" West, along the northerly right-of-way line of said Interstate 10, for a distance of 213.36 feet, to a 5/8 inch iron rod with plastic cap found for corner, said iron rod being located in the easterly boundary line of that certain called 2.705 acre tract as conveyed to Harris County Flood Control District, by deed recorded in Volume 3351, Page 675 of the Deed Records of Harris County, Texas;

THENCE along the easterly boundary line of the said 2.705 acre tract the following four (4) courses and distances:

North 61°11'51" West, for a distance of 111.89 feet to a 5/8 inch iron rod found for corner;

North 40°40'37" West, for a distance of 115.09 feet to a 1/2 inch iron rod found for corner;

North 05°13'23" West, for a distance of 99.77 feet to a 5/8 inch iron rod found for corner;

North 24°23'27" East, for a distance of 68.01 feet to a 5/8 inch iron rod with plastic cap set for corner;

THENCE South 89°11'52" East, for a distance of 69.47 feet to a "MAG" nail set for corner;

357 Yale Street (Tract 1)
2.4429 Acres of Land
John Austin Survey, A-1

THENCE North 87°17'00" East, for a distance of 258.82 feet, to a "MAG" nail set for corner, said iron rod being located in the westerly right-of-way line of 4th Avenue, based on a width of 70 feet;

THENCE South 02°43'00" East, along the westerly line of the said 4th Avenue, for a distance of 55.23 feet, to a 5/8 inch iron rod found for corner, said iron rod being the southwest boundary corner of said 4th Avenue;

THENCE North 87°17'54" East, along the southerly right-of-way line of said 4th Avenue, for a distance of 26.00 feet, to a 3/8 inch iron rod with plastic cap found for corner, said iron rod being the northwest boundary corner of that certain tract conveyed to Cal-Tex Citrus Juice, Inc., by deed recorded under Harris County Clerk's File No. M567201;

THENCE South 02°42'06" East, along the said Cal-Tex Citrus Juice, Inc. tract, for a distance of 150.00 feet, to a 3/8 inch iron rod with plastic cap found for corner, said iron rod being the southwest boundary corner of the said Cal-Tex Citrus Juice, Inc. tract;

THENCE North 87°18'28" East, along the southerly boundary line of the said Cal-Tex Citrus Juice, Inc. tract, for a distance of 22.65 feet, to a 5/8 inch iron rod with plastic cap found for corner, said iron rod being located in the westerly right-of-way line of said Yale Street;

THENCE South 02°42'06" East, along the westerly right-of-way line of said Yale Street, for a distance of 76.19 feet, to the **POINT OF BEGINNING** and containing within these calls 106,415 square feet or 2.4429 acres of land.

A survey plat has not been prepared in conjunction with this metes and bounds description, by Kevin K. Kolb, R.P.L.S. No. 5269.

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:
TOTAL SURVEYORS, INC.
4301 Center Street
Deer Park, Texas 77536
281-479-8719
March 4, 2014 (Revised 3-10-14, new boundary)



North 24°23'27" East, for a distance of 15.70 feet to a 3/8 inch iron rod found for corner;

North 38°19'28" East, for a distance of 205.21 feet to a 1/2 inch Iron rod found for corner;

North 77°23'36" East, for a distance of 22.00 feet to a 1/2 Inch iron rod found for corner;

North 59°26'19" East, for a distance of 41.77 feet to a 5/8 inch iron rod with plastic cap found for corner;

North 09°13'43" East, for a distance of 18.90 feet to a 5/8 inch iron rod with plastic cap found for corner;

THENCE North 87°17'54" East, for a distance of 40.47 feet to a 3/8 inch iron rod with plastic cap found for corner, said iron rod being located at an interior corner of the said 1.6168 acre tract;

THENCE North 02°42'06" West, for a distance of 150.00 feet to a 5/8 Inch iron rod with plastic cap found for corner, said iron rod being located in the southerly boundary line of Danburg Estates, Section Three, according to the map or plat thereof as recorded under Film Code No. 607082, of the Map Records of Harris County, Texas;

THENCE North 87°17'54" East, along the southerly boundary of the said Danburg Estates, Section Three, for a distance of 83.31 feet, to a 5/8 inch iron rod with plastic cap found for corner, said iron rod being the northeasterly boundary corner of the said 1.6168 acre tract;

THENCE South 02°43'00" East, along the easterly boundary line of the said 1.6168 acre tract, for a distance of 100.00 feet, to a 3/8 Inch iron rod with plastic cap set for corner, said iron rod being the northwesterly boundary corner of the said 0.049 acre tract;

THENCE North 87°17'54" East, along the northerly boundary line of the said 0.049 acre tract, for a distance of 6.60 feet, to a 3/8 inch iron rod with plastic cap found for corner, said iron rod being located at the northeasterly boundary corner of the said 0.049 acre tract;

THENCE South 02°42'06" East, along the easterly boundary line of the said 0.049 acre tract, for a distance of 250.00 feet, to the **POINT OF BEGINNING** and containing within these calls 65,037 square feet or 1.4931 acres of land.

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