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Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 8, 2019

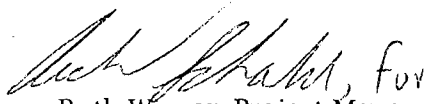
Mr. Matthew Donowho, Manager  
LandLot, LLC  
2118 Lamar Street, Suite 105  
Houston, Texas 77003

Re: Municipal Setting Designation (MSD) Certificate for LandLot, LLC, Air Liquide Contiguous Facilities 3560 & 3570 W 12th Street; 3560 and 3570 West 12<sup>th</sup> Street, Houston, Harris County, Texas; MSD No. 419; Customer No. CN604730945; Regulated Entity No. RN107948127

Dear Mr. Donowho:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on May 9, 2019 and additional information supporting this MSD application on September 3, 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) 239-0843 or via e-mail ([ruth.winsor@tceq.texas.gov](mailto:ruth.winsor@tceq.texas.gov)).

Sincerely,

  
Ruth Winsor, Project Manager  
VCP-CA Section  
Remediation Division

RW/mdh

Enclosure: MSD Certificate

cc: Mr. Michael Marcon, InControl Technologies, Inc., 14731 Pebble Bend Drive, Houston, Texas, 77068  
Mr. Robin Morse, Crain Caton and James, 1401 McKinney Street, Suite 1700, Houston, Texas 77010  
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. 419, 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 8<sup>th</sup> day of October, 2019

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality

**EXHIBIT A****Land Description****TRACT I:**

All of that certain tract of land (Tract I) being 3.5584 acres (155,002 square feet) and being all of that certain called 3.5583 acre tract described in deed to Air Liquide USA LLC as recorded in Harris County Clerks File (H.C.C.F.) No. Y280017 and lying in the John Reinerman Survey, Abstract-642, Harris County, Texas, said 3.5584 acre tract being more particularly described by metes and bounds as follows: (bearings are based on the plat of Air Liquide Subdivision as recorded in Film Code No. 618185, Harris County Map Records (H.C.M.R.)

**COMMENCING** at a found 1" iron pipe marking the intersection of the West right-of-way line of Seamist Drive (60 feet wide) as dedicated in Volume 2022, Page 229, Harris County Deed Records (H.C.D.R.) and the South right-of-way line of West 12th Street (60 feet wide) as dedicated in Volume 1871, Page 177, H.C.D.R., said pipe being the Northeast corner of a called 5.2270 acre tract described in deed to Cul Ray, Ltd. as recorded in H.C.C.F. No. W988602, from which a point marking the intersection of said West right-of-way line of Seamist Drive and the North right-of-way line of West 11th Street (100 feet wide) as dedicated in Volume 763, Page 667, H.C.D.R., same being the Southeast corner of a called 0.9730 acre tract described to Union Pacific Railroad Company and being a residue of a called 14.721 acre tract as recorded in Volume 1580, Page 152, H.C.D.R., bears South 02°05'07" East a distance of 799.37 feet, from said point a found 5/8 inch iron rod bears North 55°42' East a distance of 1.96 feet, from said point, a found 5/8 inch iron rod with cap lying on said North right-of-way line and being the Southwest corner of said called 0.9730 acre tract, same being the Southeast corner of said Air Liquide Subdivision bears South 87°54'53" West a distance of 108.00 feet, from said rod a found 1/2 inch iron rod bears North 54°52' East a distance of 1.73 feet, from said 5/8 inch iron rod with cap, a found 2 inch iron pipe lying on said North right-of-way line and being the Southwest corner of said Air Liquide Subdivision, same being the Southeast corner of a called 3.8834 acre tract described in deed to George J. Rankin as recorded in H.C.C.F. No. L406649;

**THENCE** North 02°05'07" West, leaving said South right-of-way line, over and across said right-of-way of West 12th Street a distance of 60.00 feet to a point marking the intersection of the West right-of-way line of said Seamist Drive and the North right-of-way line of said West 12th Street, said point being the Southeast corner of a called 1.1516 acre tract described in deed to General Electric Company as recorded in H.C.C.F. No. 20070520958, from which a found "X" cut in concrete bears North 22°10' West a distance of 1.43 feet;

**THENCE** South 87°54'53" West, along said North right-of-way line of 12th Street, in common with the South line of said called 1.1516 acre tract a distance of 334.79 feet to a point being the Southwest corner of said called 1.1516 acre tract, same being the Southeast corner of a called 3.000 acre tract described in deed to General Electric Company as recorded in H.C.C.F. No. 20080183031, from which a found "X" cut in concrete bears North 68°13' West a distance of 2.83 feet;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 3.000 acre tract a distance of 348.59 feet to a point being the Southwest

corner of said called 3.000 acre tract, same being the Southeast corner of a called 3.2509 acre tract described in deed to General Electric Company as recorded in H.C.C.F. No. 20080183031, from which a found 5/8 inch iron rod with cap bears South 13°41' East a distance of 0.55 feet;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 3.2509 acre tract passing a distance of 350.00 feet to a point being the Southwest corner of said called 3.2509 acre tract, same being the Southeast corner of a called 0.5080 acre tract described in deed to Houston Grinding and Manufacturing Company, Inc. as recorded in H.C.C.F. No. C311039 and continuing along said right-of-way line, in common with the South line of said called 0.5080 acre tract for a total distance of 430.00 feet to a found 1 inch pinched top pipe being the Southwest corner of said called 0.5080 acre tract, same being the Southeast corner of a called 0.9642 acre tract described in deed to Houston Grinding and Manufacturing Company, Inc. as recorded in H.C.C.F. No. L301148;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 0.9642 acre tract passing a distance of 120.00 feet to a found 1 inch iron rod being the Southwest corner of said called 0.9642 acre tract, same being the Southeast corner of a called 2.0000 acre tract described in deed to Lamb Development, LLC as recorded in H.C.C.F. No. 20130135809 and continuing along said right-of-way line, in common with the South line of said called 2.0000 acre tract for a total distance of 360.00 feet to a found 5/8 inch iron rod being the Southwest corner of said called 2.0000 acre tract, same being the Southeast corner of a called 0.4623 acre tract described in deed to Houston Grinding and Manufacturing Company, Inc. as recorded in H.C.C.F. No. B807302;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 0.4623 acre tract passing a distance of 28.50 feet to a found 5/8 inch iron rod being the Southwest corner of said called 0.4623 acre tract, same being the Southeast corner of a 0.5928 acre tract (Tract II) described in deed to Air Liquide USA LLC as recorded in H.C.C.F. No. Y280018 and continuing along said right-of-way line, in common with the South line of said 0.5928 acre tract for a total distance of 119.99 feet to a found hole punch in concrete being the Southwest corner of said 0.5928 acre tract, same being the Southeast corner and the **POINT OF BEGINNING** of the herein described tract;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of the herein described tract a distance of 200.00 feet to a found 1 inch iron pipe marking the beginning of a curve to the left and being a Southerly corner of the herein described tract;

**THENCE**, continuing along said right-of-way line, in common with the South line of the herein described tract and along said curve to the left having a radius of 2,145.58 feet, an arc length of 150.12 feet, a chord bearing of South 85°54'37" West and a chord distance of 150.09 feet to a found "V" cut in concrete driveway marking a point of reverse curvature and being a Southerly corner of the herein described tract;

**THENCE**, continuing along said right-of-way line, in common with the South line of the herein described tract and along said curve to the right having a radius of 2,145.58 feet, an arc length of 34.73 feet, a chord bearing of South 84°22'10" West and a chord distance of 34.73 feet to a found 5/8 inch iron rod being the Southeast corner of a called 1.9566 acre tract described in deed

to Gerald W. and Helen C. Noteboom as recorded in H.C.C.F. No. X868466, from which a point marking the end of said curve to the right and being a Southerly corner of said called 1.9566 acre tract bears along said curve having a radius of 2,145.58 feet, an arc length of 115.48 feet, a chord bearing of South 86°22'31" West and a chord distance of 115.47 feet, from which a found 5/8 inch iron rod bears North 22°42' East a distance of 0.58 feet, from which a point being the Southwest corner of said called 1.9566 acre tract, same being the Southeast corner of a called 18 foot wide right-of-way and easement for Missouri-Kansas-Texas Railroad Company as recorded in Volume 1605, Page 153, H.C.D.R. bears South 87°54'53" West a distance of 13.09 feet, from which a point being the Southwest corner of said 18 foot wide easement bears South 87°54'53" West a distance of 20.00 feet, from which a found 5/8 inch iron rod bears West a distance of 0.55 feet;

**THENCE** North 02°05'07" West, leaving said right-of-way line and along an Easterly line of said called 1.9566 acre tract, in common with a Westerly line of the herein described tract a distance of 108.82 feet to a found 5/8 inch iron rod being an Easterly corner of said called 1.9566 acre tract, same being the Westerly Interior corner of the herein described tract;

**THENCE** South 87°54'53" West, along an Easterly line of said called 1.9566 acre tract, in common with the Westerly Interior line of the herein described tract a distance of 38.30 feet to a found 5/8 inch iron rod being the Easterly Interior corner of said called 1.9566 acre tract, same being a Westerly corner of the herein described tract;

**THENCE** North 02°05'07" West, along an Easterly line of said called 1.9566 acre tract, in common with a Westerly line of the herein described tract a distance of 273.08 feet to a point lying on the South line of a 17 foot wide right-of-way and easement for Missouri-Kansas-Texas Railroad Company as recorded in Volume 1941, Page 453, H.C.D.R., from which a found chain link fence corner post bears South 04°07' East a distance of 1.54 feet;

**THENCE** North 87°54'53" East, 8.50 feet Southerly of and parallel to the South line of Block 1 of Wynnwood Park as recorded in Volume 129, Page 69, H.C.M.R. and being common with the South line of a called 4.8268 acre tract described in deed to NDI Industrial Partners, Ltd. as recorded in H.C.C.F. No. 20120486157, in common with the South line of said 17 foot wide easement and the North line of the herein described tract a distance 422.97 feet to a point being the Northwest corner of said called 0.4623 acre tract, same being the Northeast corner of the herein described tract;

**THENCE** South 02°05'07" West, along a Westerly line of said called 0.4623 acre tract, in common with the East line of the herein described tract passing at a distance of 92.28 feet to a found 1 inch iron pipe being a Westerly corner of said called 0.4623 acre tract, same being the Northwest corner of said 0.5928 acre tract and continuing along the West line of said 0.5928 acre tract, in common with the East line of the herein described tract for a total distance of 374.50 feet to the POINT OF BEGINNING and containing 3.5584 acres (155,002 square feet) of land.

**TRACT II:**

All of that certain tract of land (Tract II) being 0.5928 acres (25,820 square feet) and being all of that certain called 0.5927 acre tract described in deed to Air Liquide USA LLC as recorded in

Harris County Clerks File (H.C.C.F.) No. Y280017 and lying in the John Reinerman Survey, Abstract-642, Harris County, Texas, said 0.5928 acre tract being more particularly described by metes and bounds as follows: (bearings are based on the plat of Air Liquide Subdivision as recorded in Film Code No. 618185, Harris County Map Records (H.C.M.R.)

**COMMENCING** at a found 1" iron pipe marking the intersection of the West right-of-way line of Seamist Drive (60 feet wide) as dedicated in Volume 2022, Page 229, Harris County Deed Records (H.C.D.R.) and the South right-of-way line of West 12th Street (60 feet wide) as dedicated in Volume 1871, Page 177, H.C.D.R., said pipe being the Northeast corner of a called 5.2270 acre tract described in deed to Cul Ray, Ltd. as recorded in H.C.C.F. No. W988602, from which a point marking the intersection of said West right-of-way line of Seamist Drive and the North right-of-way line of West 11th Street (100 feet wide) as dedicated in Volume 763, Page 667, H.C.D.R., same being the Southeast corner of a called 0.9730 acre tract described to Union Pacific Railroad Company and being a residue of a called 14.721 acre tract as recorded in Volume 1580, Page 152, H.C.D.R., bears South 02°05'07" East a distance of 799.37 feet, from said point a found 5/8 inch iron rod bears North 55°42' East a distance of 1.96 feet, from said point, a found 5/8 inch iron rod with cap lying on said North right-of-way line and being the Southwest corner of said called 0.9730 acre tract, same being the Southeast corner of said Air Liquide Subdivision bears South 87°54'53" West a distance of 108.00 feet, from said rod a found 1/2 inch iron rod bears North 54°52' East a distance of 1.73 feet, from said 5/8 inch iron rod with cap, a found 2 inch iron pipe lying on said North right-of-way line and being the Southwest corner of said Air Liquide Subdivision, same being the Southeast corner of a called 3.8834 acre tract described in deed to George J. Rankin as recorded in H.C.C.F. No. L406649;

**THENCE** North 02°05'07" West, leaving said South right-of-way line, over and across said right-of-way of West 12th Street a distance of 60.00 feet to a point marking the intersection of the West right-of-way line of said Seamist Drive and the North right-of-way line of said West 12th Street, said point being the Southeast corner of a called 1.1516 acre tract described in deed to General Electric Company as recorded in H.C.C.F. No. 20070520958, from which a found "X" cut in concrete bears North 22°10' West a distance of 1.43 feet;

**THENCE** South 87°54'53" West, along said North right-of-way line of 12th Street, in common with the South line of said called 1.1516 acre tract a distance of 334.79 feet to a point being the Southwest corner of said called 1.1516 acre tract, same being the Southeast corner of a called 3.000 acre tract described in deed to General Electric Company as recorded in H.C.C.F. No. 20080183031, from which a found "X" cut in concrete bears North 68°13' West a distance of 2.83 feet;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 3.000 acre tract a distance of 348.59 feet to a point being the Southwest corner of said called 3.000 acre tract, same being the Southeast corner of a called 3.2509 acre tract described in deed to General Electric Company as recorded in H.C.C.F. No. 20080183031, from which a found 5/8 inch iron rod with cap bears South 13°41' East a distance of 0.55 feet;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 3.2509 acre tract passing a distance of 350.00 feet to a point being the Southwest corner of said called 3.2509 acre tract, same being the Southeast corner of a called 0.5080 acre tract described in deed to Houston Grinding and Manufacturing Company, Inc. as

recorded in H.C.C.F. No. C311039 and continuing along said right-of-way line, in common with the South line of said called 0.5080 acre tract for a total distance of 430.00 feet to a found 1 inch pinched top pipe being the Southwest corner of said called 0.5080 acre tract, same being the Southeast corner of a called 0.9642 acre tract described in deed to Houston Grinding and Manufacturing Company, Inc. as recorded in H.C.C.F. No. L301148;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 0.9642 acre tract passing a distance of 120.00 feet to a found 1 inch iron rod being the Southwest corner of said called 0.9642 acre tract, same being the Southeast corner of a called 2.0000 acre tract described in deed to Lamb Development, LLC as recorded in H.C.C.F. No. 20130135809 and continuing along said right-of-way line, in common with the South line of said called 2.0000 acre tract for a total distance of 360.00 feet to a found 5/8 inch iron rod being the Southwest corner of said called 2.0000 acre tract, same being the Southeast corner of a called 0.4623 acre tract described in deed to Houston Grinding and Manufacturing Company, Inc. as recorded in H.C.C.F. No. B807302;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of said called 0.4623 acre tract a distance of 28.50 feet to a found 5/8 inch iron rod being the Southwest corner and the POINT OF BEGINNING of the herein described tract;

**THENCE** South 87°54'53" West, continuing along said right-of-way line, in common with the South line of the herein described tract a distance of 91.49 feet to a found hole punch in concrete being the Southeast corner of a 3.5584 acre tract (Tract I) described in deed to Air Liquide USA LLC as recorded in H.C.C.F. No. Y280017, same being the Southwest corner of the herein described tract, from which a found 1 inch iron pipe being a Southerly corner of said 3.5583 acre tract and marking the beginning of a curve to the left bears South 87°54'53" West a distance of 200.00 feet;

**THENCE** North 02°05'07" West, leaving said right-of-way line and along the East line of said 3.5583 acre tract, in common with the West line of the herein described tract a distance of 282.22 feet to a found 1 inch iron pipe being a Westerly corner of said called 0.4623 acre tract, same being the Northwest corner of the herein described tract;

**THENCE** North 87°54'53" East, leaving the East line of said 3.5583 acre tract and along the Westerly Interior line of said called 0.4623 acre tract, in common with the North line of the herein described tract a distance of 91.49 feet to a found 5/8 inch iron rod being the Westerly Interior corner of said called 0.4623 acre tract, same being the Northeast corner of the herein described tract;

**THENCE** South 02°05'07" East, along a Westerly Interior line of said called 0.4623 acre tract, in common with the East line of the herein described tract a distance of 282.229 feet to the POINT OF BEGINNING and containing 0.5928 acres (25,820 square feet) of land.





# Municipal Setting Designation

## Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Matthew Donowho, as an authorized representative of LandLot, LLC, 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.

[Signature]

Date: 05/02/19

Signature

Matthew Donowho

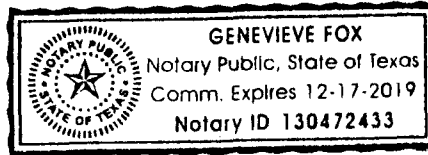
Printed Name

Manager

Title

STATE OF Texas

COUNTY OF Harris



SUBSCRIBED AND SWORN before me on this the 2 day of May 2019, to which witness my hand and seal of office.

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