

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 14, 2020

Mr. Douglas Foshee
West Alabama Holdings, LLC
3270 Sul Ross Street
Houston, Texas 77098

(Via e-mail)

Re: Municipal Setting Designation (MSD) Certificate for West Alabama Holdings, LLC, Doerner Industries Site, located at 3609, 3611, 3615, 3617 and 3619 W. Alabama Street, Houston, Harris County, TX; MSD No. 433; Voluntary Cleanup Program (VCP) No. 2873; Regulated Entity No. RN109652222; Customer No. CN605413772

Dear Mr. Foshee:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on February 4, 2020 and additional information supporting this MSD application on April 14, 2020 and June 25, 2020. 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) 239-3044 or via e-mail (timothy.eckert@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy Eckert".

Timothy Eckert, Project Manager
VCP-CA Section
Remediation Division

TJE/jdm

Enclosure: MSD Certificate

cc: Mr. Kyle Bethancourt, Sallyport Investments, Inc. (PDF via e-mail)
Mr. Bart Barrett, Alta W. Alabama, LLC (PDF via e-mail)
Mr. Michael Marcon, InControl Technologies, Inc. (PDF via e-mail)
Ms. Lauren Grawey, InControl Technologies, Inc. (PDF via e-mail)
Ms. Alma Jefferson, Waste Section Manager, TCEQ Houston Region Office, R-12 (PDF via e-mail)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

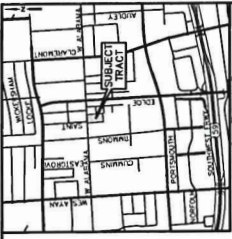
As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 433, 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 July day of 13, 2020

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality



VICINITY MAP
KEY MAP PAGE NO. 422 S

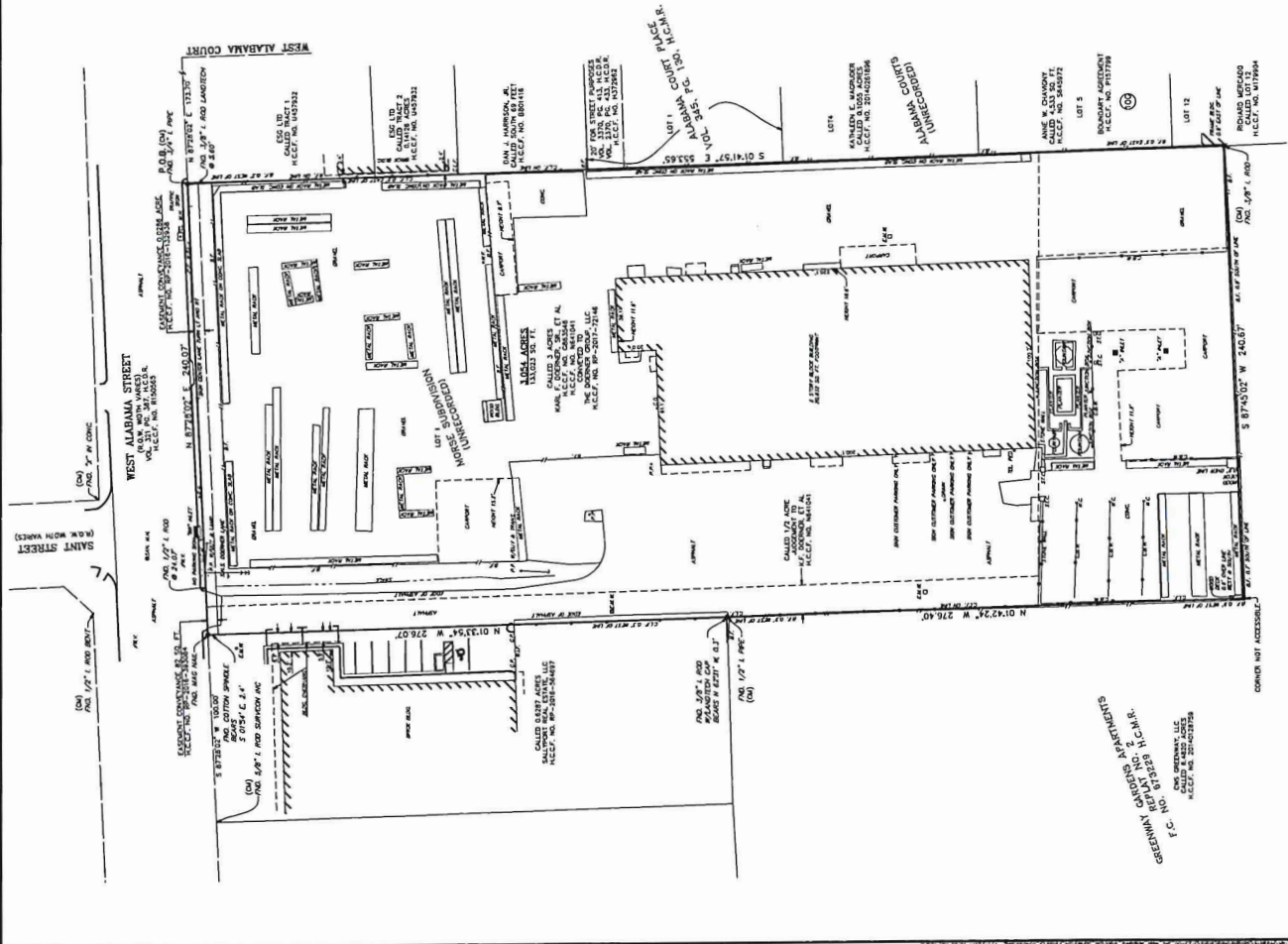
- LEGEND**
- B.F. BOUNDARY FINISH
 - C.S. CONCRETE SURFACE
 - C.M. CONCRETE MASONRY
 - C.W. CONCRETE WALL
 - C.P. CONCRETE PAVEMENT
 - C.L. CONCRETE LANDING
 - C.F. CONCRETE FINISH
 - C.A. CONCRETE AREA
 - C.S. CONCRETE SURFACE
 - C.M. CONCRETE MASONRY
 - C.W. CONCRETE WALL
 - C.P. CONCRETE PAVEMENT
 - C.L. CONCRETE LANDING
 - C.F. CONCRETE FINISH
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 - C.W. CONCRETE WALL
 - C.P. CONCRETE PAVEMENT
 - C.L. CONCRETE LANDING
 - C.F. CONCRETE FINISH
 - C.A. CONCRETE AREA

DESCRIPTION OF A 3.054 ACRE TRACT OF LAND SITUATED IN THE A. C. REYNOLDS SURVEY, TRACT NO. 1

BEING 3.054 ACRES (133,023 square feet) more or less, bounded as follows: on the north by the A. C. Reynolds Survey, Tract No. 1, more or less, as shown on the plat of said survey, recorded in the Public Records of Harris County, Texas, in Volume 10, Page 10; on the east by the A. C. Reynolds Survey, Tract No. 1, more or less, as shown on the plat of said survey, recorded in the Public Records of Harris County, Texas, in Volume 10, Page 10; on the south by the A. C. Reynolds Survey, Tract No. 1, more or less, as shown on the plat of said survey, recorded in the Public Records of Harris County, Texas, in Volume 10, Page 10; and on the west by the A. C. Reynolds Survey, Tract No. 1, more or less, as shown on the plat of said survey, recorded in the Public Records of Harris County, Texas, in Volume 10, Page 10.

NOTES

1. BEARING CONVENTION IS BASED ON THE TRADITIONAL SYSTEM OF 1/4 SECTION (1/4) AND 1/4 SECTION (1/4) SOUTH RIGHT-OF-WAY LINE OF WEST ALABAMA AS SHOWN HEREON.
2. THE PROPERTY LIES IN UNINCORPORATED TOWNSHIP 35 NORTH, RANGE 12 WEST, COUNTY OF HARRIS, TEXAS. THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS OF ANY KIND.
3. THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS OF ANY KIND.
4. THE PROPERTY ADJACENT MAJOR THORNTON ROAD, WEST ALABAMA AS PER THE PLAT OF SAID SURVEY, IS NOT SUBJECT TO ANY EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS OF ANY KIND.
5. THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS OF THE CITY OF HOUSTON ORDINANCE 499-201 (ADOPTED AS AMENDED) RELATIVE TO THE CONSTRUCTION OF BUILDINGS SET BACK ALONG MAJOR THORNTON ROAD WITHIN THE CITY OF HOUSTON.
6. THIS SURVEY HAS BEEN REVIEWED BY THE CITY ENGINEER OF HOUSTON, TEXAS, AND HE HAS ISSUED HIS CERTIFICATE OF APPROVAL ON JULY 10, 2017.
7. ANY VISIBLE IMPROVEMENTS TO THE PROPERTY ARE AS SHOWN ON THIS SURVEY.
8. THE CITY OF HOUSTON DOES NOT HAVE JURISDICTION OVER THE SURVEY.
9. THE SURVEYOR HAS NOT PERFORMED ANY DIVISION OR PARTIAL WALLS AT THE TIME OF THIS SURVEY.
10. THE SURVEYOR HAS NOT PERFORMED ANY DIVISION OR PARTIAL WALLS AT THE TIME OF THIS SURVEY.
11. NO OBSERVED EVIDENCE OF CURRENT EXISTING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
12. SURVEYOR IS AWARE OF CHANGES IN STREET RIGHT OF WAY LINES AS SHOWN HEREON.
13. NO OBSERVED EVIDENCE OF CHANGES IN THE USE AS A ROAD BOUNDARY, TAMP OR SURVEY MARKERS.
14. NO OBSERVED EVIDENCE OF CHANGES IN THE USE AS A ROAD BOUNDARY, TAMP OR SURVEY MARKERS.
15. SURVEYOR HAS NOT BEEN PROVIDED WITH ANY PLAN SETS SHOWING ANY UNDERGROUND UTILITIES OR SERVICES AT THE TIME OF THIS SURVEY.
16. SURVEYOR HAS NOT BEEN PROVIDED WITH ANY PLAN SETS SHOWING ANY UNDERGROUND UTILITIES OR SERVICES AT THE TIME OF THIS SURVEY.
17. SURVEYOR HAS NOT BEEN PROVIDED WITH ANY PLAN SETS SHOWING ANY UNDERGROUND UTILITIES OR SERVICES AT THE TIME OF THIS SURVEY.
18. SURVEYOR HAS NOT BEEN PROVIDED WITH ANY PLAN SETS SHOWING ANY UNDERGROUND UTILITIES OR SERVICES AT THE TIME OF THIS SURVEY.
19. SURVEYOR HAS NOT BEEN PROVIDED WITH ANY PLAN SETS SHOWING ANY UNDERGROUND UTILITIES OR SERVICES AT THE TIME OF THIS SURVEY.
20. SURVEYOR HAS NOT BEEN PROVIDED WITH ANY PLAN SETS SHOWING ANY UNDERGROUND UTILITIES OR SERVICES AT THE TIME OF THIS SURVEY.



SUBJECT TRACT ADDRESSES PER H.C.A.D.: 3609, 3611, 3615, 3617 AND 3619 WEST ALABAMA STREET HOUSTON TX, 77027	
DATE: 07/10/2017 TIME: 10:00 AM SURVEYOR: J. C. GREENBERG, S.W. 2408 HOUSTON, TEXAS	DATE: 07/10/2017 TIME: 10:00 AM SURVEYOR: J. C. GREENBERG, S.W. 2408 HOUSTON, TEXAS
ALTA/NSPS LAND TITLE SURVEY OF 3.054 ACRES OF LAND SITUATED IN THE A. C. REYNOLDS SURVEY, A-61 CITY OF HOUSTON HARRIS COUNTY, TEXAS	PART: 1 SHEET: 1 TOTAL SHEETS: 1

J. C. GREENBERG, S.W. 2408
 HOUSTON, TEXAS 77027
 PHONE: 281-460-1000
 FAX: 281-460-1001
 EMAIL: JCGREENBERG@GMAIL.COM
 DATE OF PRINT: July 12, 2017



DESCRIPTION OF A 3.054 ACRE TRACT OF LAND SITUATED
IN THE A. C. REYNOLDS SURVEY, ABSTRACT NO. 61
HARRIS COUNTY, TEXAS

BEING a 3.054 acre (133,023 square feet) tract of land situated in the A. C. Reynolds Survey, Abstract No. 61 of Harris County, Texas and being all of a called 3 acres, more or less, tract of land deeded to Karl F. Doerner, Sr., et al, as described in Harris County Clerk's File Numbers (H.C.C.F. No.) G883548 and all of a called 0.5 acre, more or less, tract of land awarded to Karl F. Doerner, et al, by judgement of record in N691041 of the H.C.C.F. No., and being the same called 3.02 acre tract conveyed to The Doerner Group, LLC as described in H.C.C.F. No. RP-2017-72148, said 3.054 acre tract of land described by metes and bounds as follows:

BEGINNING at a 3/4-inch iron pipe found for the northeast corner of said 3 acre tract and of a called 0.0286 acre easement conveyance to the City of Houston as recorded under H.C.C.F. No. RP-2016-132936, same being the northwest corner of a tract conveyed to ESG LTD and described as Tract 1 in H.C.C.F. No. U457932, lying on the south right-of-way line of West Alabama Street (width varies), recorded in Volume 321, Page 387 of the Harris County Deed Records (H.C.D.R.) and under H.C.C.F. No. R150565;

THENCE, S 01°41'57" E, along and with the east line of said 3 acre tract, same being west line of said Tract 1, a called 0.14126 acre tract described as Tract 2 under H.C.C.F. No. U457932, a called South 69 feet recorded under H.C.C.F. No. B901416, Lot 1 of ALABAMA COURT PLACE a subdivision recorded in Volume 345, Page 130, of the Harris County Map Records (H.C.M.R.), a called 0.1055 acre tract recorded under H.C.C.F. No. 20140261896, a called 4,533 square foot tract recorded under H.C.C.F. No. S645972 and a called Lot 12 of ALABAMA COURTS an unrecorded subdivision, passing at a distance of 5.60 feet pass a 3/8-inch iron rod with Landtech cap found for the southeast corner of said 0.0286 acre easement conveyance, and continuing for a total distance of 553.65 feet to a 3/8-inch iron rod found for the southeast corner of said 3 acre tract and the herein described tract, same being the most easterly northeast corner of GREENWAY GARDENS APARTMENTS REPLAT NO. 2, a subdivision recorded under Film Code Number 673229 of the H.C.M.R.;

THENCE, S 87°45'02" W, a distance of 240.67 feet along and with the south line of said 3 acre tract and the herein described tract, same being a north line of said GREENWAY GARDENS APARTMENTS REPLAT NO. 2 to a point for the southwest corner of said 3 acre tract and the herein described tract, same being an interior corner of said GREENWAY GARDENS APARTMENTS REPLAT NO. 2;

THENCE, N 01°42'24" W, a distance of 276.40 feet along and with the east line of said GREENWAY GARDENS APARTMENTS REPLAT NO. 2, same being the west line of said 3 acre tract, to a 1/2-inch iron pipe found for the most northerly northeast corner of said GREENWAY GARDENS APARTMENTS REPLAT NO. 2, same being the southeast corner of a called 0.6287 acre tract as described in an instrument to Sallyport Real Estate, LLC recorded under H.C.C.F. No. RP-2016-564697, and being an angle point in the west line of the herein described tract and said 3 acre tract, from which a found 3/8-inch iron rod with cap stamped Landtech bears N 62°31' W, 0.3 feet;

THENCE, N 01°33'54" W, a distance of 276.07 feet along and with the east line of said 0.6287 acre tract, same being the west line of said 3 acre tract, to a Mag Nail found in asphalt for the northwest corner of the herein described tract and the northeast corner of said 0.6287 acre tract, same being the northwest corner of a called B2 square feet easement conveyance to the City of Houston recorded under H.C.C.F. No. RP-2016-393084, lying on the south right-of-way line of said West Alabama Street;

THENCE, N 87°28'02" E, along said south right-of-way line at a distance of 24.07 feet pass a found 1/2-inch iron rod, and continuing for a total distance of 240.07 feet to the POINT OF BEGINNING and containing 3.054 acres (133,023 square feet) of land.

To Sallyport Real Estate, LLC, The Doerner Group, LLC and Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 8, 9, 11, 13, 14, 16, 17, and 19 of Table A thereof. The field work was completed on July 10, 2017.

Date of Plat or Map: July 12, 2017



Alan C. Bentley

ALAN C. BENTLEY RPLS NO. 2055
BGE, INC.
10777 WESTHEIMER, SUITE 400
HOUSTON, TEXAS 77042
TELEPHONE: (281) 558-8700
ABENTLEY@BGEINC.COM

UPDATED: 07/12/2017
REVISED: 11/06/2015 - PER COMMENTS.

SUBJECT TRACT ADDRESSES PER H.C.A.D.:

3609, 3611, 3615, 3617 AND 3619 WEST ALABAMA STREET
HOUSTON TX. 77027



BGE, Inc.
10777 Westheimer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 • www.bgeinc.com
TBPLS Licensed Surveying Firm No. 10106500

Revised 2017

ALTA/NSPS LAND TITLE SURVEY OF
3.054 ACRES OF LAND
SITUATED IN THE
A. C. REYNOLDS SURVEY, A-61
CITY OF HOUSTON
HARRIS COUNTY, TEXAS

PARTY CHIEF:	T.E.	ISSUE DATE:	OCTOBER 27, 2015	SHEET	1
TECHNICIAN:	R.K.	SCALE:	1" = 30'		
R.P.L.S.:	A.G.B.	JOB NUMBER:	5123-00	OF	1
FIELD BOOK NAME:	MISC 448				
BASE FILE:	X:\McNair Group\3764-00_Chotreau_Domingue_Boundary_Survey\08_Survey\01_Color\GRID_BASE3.dwg				

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Kyle Bethancourt, as an authorized representative of
West Alabama Holdings, 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.

Kyle Bethancourt
Signature

Date: 1/28/2020

Kyle Bethancourt
Printed Name

Vice President of Operations
Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 28th day of
January 2020, to which witness my hand and seal of office.

Amy L Rogers
Notary Public in and for the State of Texas

