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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 26, 2020

Mr. Doug Mulvaney
PMSV River Oaks LP
5607 Grand Masterpiece Court
Houston, Texas 77041

Re: Municipal Setting Designation (MSD) Certificate for PMSV/River Oaks, LP, the Former Hallmark Cleaners Site, 4217 San Felipe Street, Houston, Harris County, TX; MSD No. 425; Customer No. CN604073379; Regulated Entity No. RN102173358

Dear Mr. Mulvaney:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on October 23, 2019, and additional information supporting this MSD application on February 6, 2020, March 27, 2020, and April 21, 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 Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2155 or via e-mail (christina.scanlon@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink that reads "Christina Scanlon".

Christina Scanlon, Project Manager
VCP-CA Section
Remediation Division

CRS/jdm

cc: Mr. John Brusenhan, InControl Technologies, 14731 Pebble Bend Drive, Houston, Texas 77068 (via email)

Ms. Alma Jefferson, Waste Section Manager, TCEQ Region 12 Office, Houston (via email)

Enclosure: MSD Certificate

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. 425, 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 24th day of June, 2020

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

EXHIBIT "A"

TRACT I:

All of that certain 0.6769 acre tract of land, more or less, out of the William W. White Survey, Abstract No. 836, Harris County, Texas, and being more particularly described by metes and bounds on Exhibit A-1 attached hereto (the "Fee Tract"), ***SAVE AND EXCEPT (a) the Subsurface Estate, (b) the Excluded Materials, and (c) the Reserved Minerals (as those terms are defined below).***

TRACT II:

A non-exclusive easement on that one certain 0.0046 acre tract, more or less, out of the William W. White Survey, Abstract No. 836, Harris County, Texas, as created in that Agreement recorded under Clerk's File No. S924026 of the Real Property Records of Harris County, Texas and being more particularly described by metes and bounds on Exhibit "A-2" attached hereto.

TRACT III:

A non-exclusive easement on that one certain 0.3603 acre tract, more or less, out of the William W. White Survey, Abstract No. 836, Harris County, Texas, as created in Deed to Houston Lighting and Power Company in Volume 2707, Page 515 of the Deed Records of Harris County, Texas and being more particularly described by metes and bounds on Exhibit "A-3" attached hereto.

TRACT IV

Those support, utility and other easements for the benefit of the Grantee created in Special Warranty Deed dated effective July 20, 2006, from SF Properties, LLC to PMSV River Oaks, LP, filed or to be filed of record in the Office of the County Clerk of Harris County, Texas.

As used herein, the term "**Subsurface Estate**" means all portions of the Fee Tract located below a horizontal plane located four (4') feet below the entire natural surface grade of the Fee Tract as of the date hereof.

As used herein, the term "**Excluded Materials**" means any substance, material, contaminant or waste located below the surface of the Fee Tract as of the date hereof, which is or becomes regulated by any local governmental authority, the State of Texas or the United States Government. The term "Excluded Material" includes, without limitation, any material or substance which is defined as hazardous, extremely hazardous or toxic or as a hazardous, extremely hazardous, restricted hazardous or toxic material, substance or waste under any federal, state or local law, ordinance, rule, regulation or order, such as perchloroethylene, tetrachloroethylene, trichloroethylene, 1,2 dichloroethene, vinyl chloride, other dry cleaning fluids, dry cleaning by-products, and dry cleaning degradation products.

As used herein, the term "**Reserved Minerals**" means all mineral interests associated with the Fee Tract, including, without limitation, oil, petroleum, natural gas, and gaseous substances, and all other minerals found or produced in association therewith.

EXHIBIT "A-1"**TRACT I**

Being a tract or parcel containing 0.6769 acre (29,487 square feet) of land situated in the William W. White 1/3 League, Abstract Number 836, Harris County, Texas, being out of and a part of a called 4.5015 acre tract of land conveyed from Houston Apartment Housing Corporation No. 2 to San Felipe Joint Venture, by General Warranty Deed of record under Harris County Clerk's File Number (H.C.C.F. No.) M516542, Official Public Records of Real Property, Harris County, Texas; also being that same tract of land (called 0.6775 acre) described in "Exhibit B" of that "Party Wall Agreement" of record under H.C.C.F. No. S924026; said 0.6769 acre tract being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found in the south right-of-way (R.O.W.) line of San Felipe Road (80 feet wide, Vol. 3063, Pg. 582, Deed Records, Harris County, Texas) marking the northeast corner of Lot 16, Block 3, Briarglen, a subdivision according to the map or plat thereof recorded in Vol. 43, Pg. 59, Map Records, Harris County, Texas and marking the northwest corner of the herein described tract;

THENCE, EAST, 166.15 feet with the south R.O.W. line of said San Felipe Road to a 5/8 inch iron rod (with yellow plastic cap stamped "RPLS 5883") set marking the northeast corner of the herein described tract;

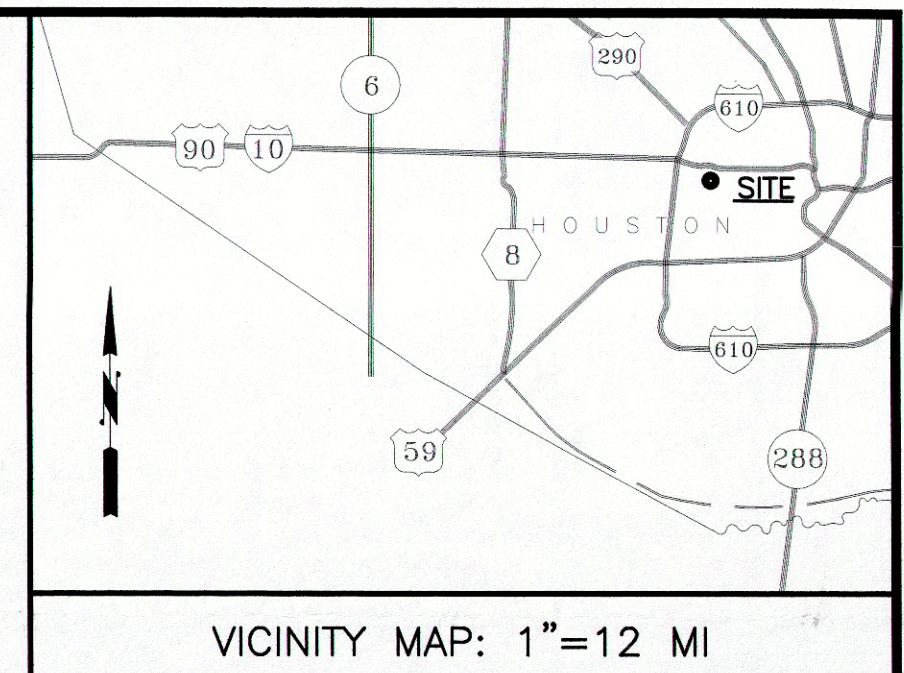
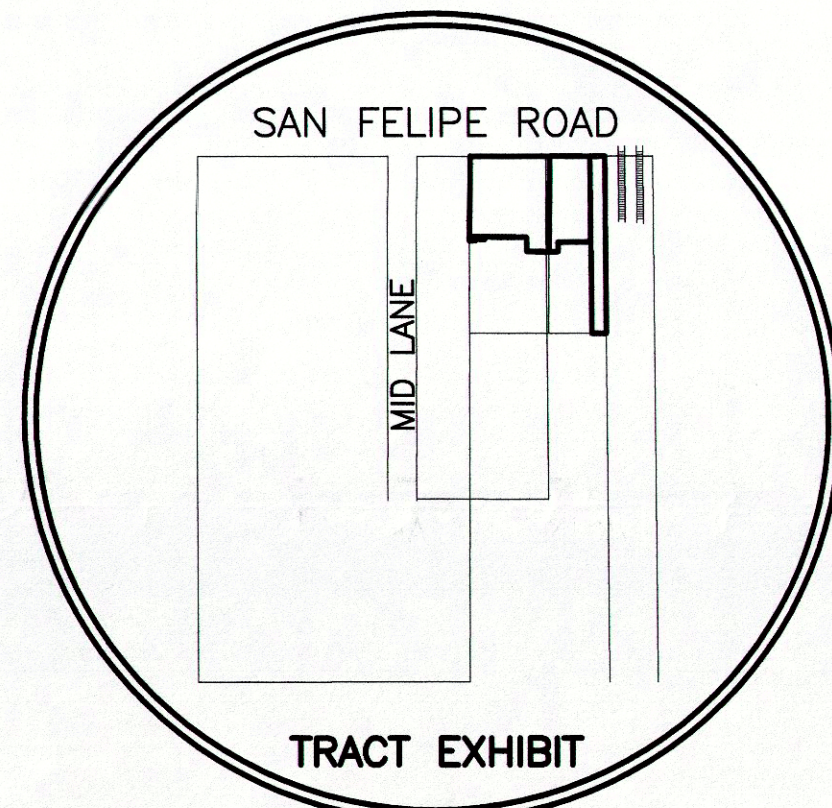
THENCE, South 00° 26' 43" West, 200.09 feet with the east line of the aforementioned 4.5015 acres to a "PK" nail set marking the southeast corner of the herein described tract;

THENCE, North 89° 36' 36" West, 46.43 feet across said 4.5015 acres to an "X" cut set marking a southwest corner of the herein described tract;

THENCE, North 00° 23' 24" East, 30.10 feet continuing across said 4.5015 acres to a drill hole set marking an interior corner of the herein described tract;

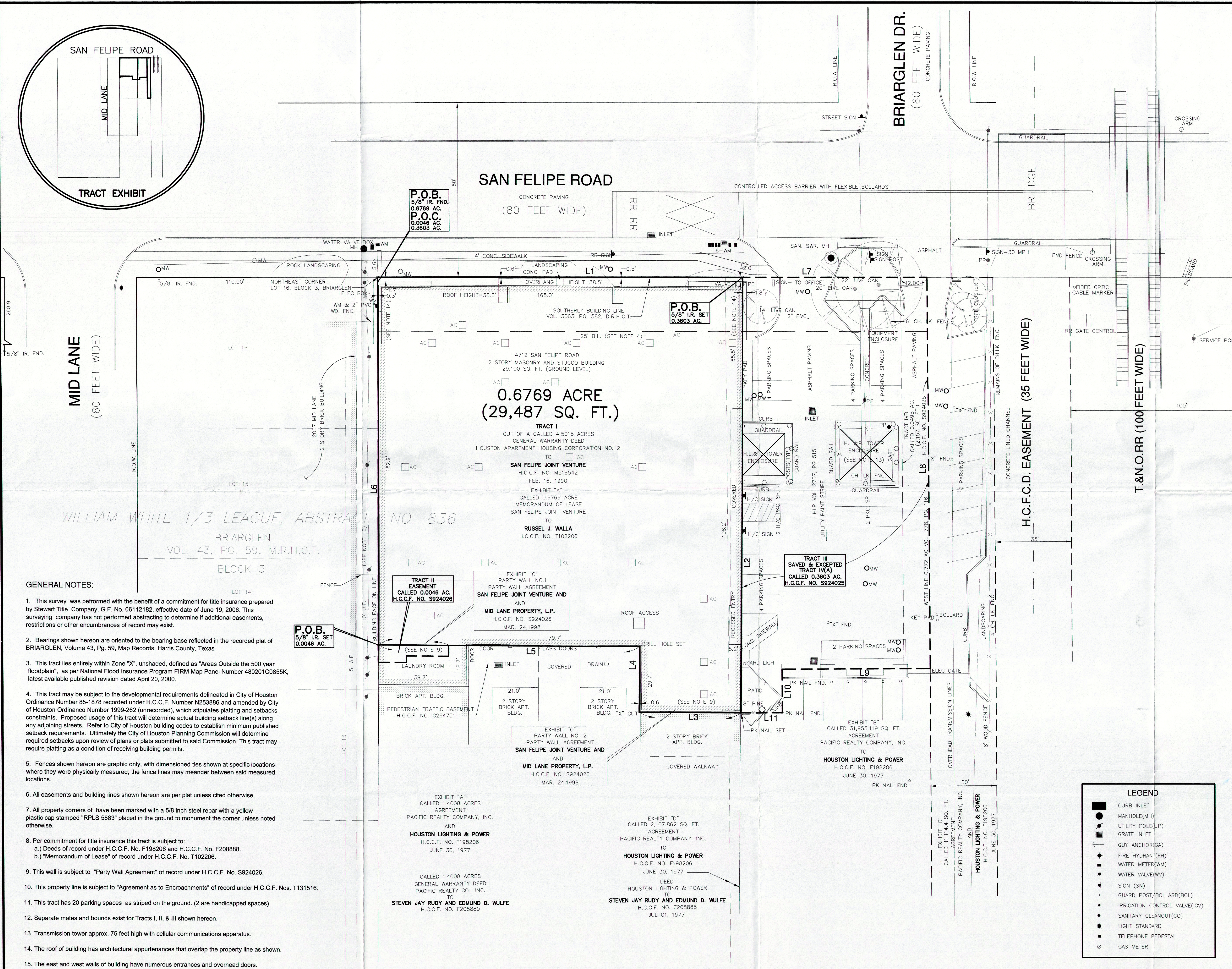
THENCE, North 89° 36' 36" West, 119.00 feet across said 4.5015 acres to a 5/8" iron rod (with yellow plastic cap stamped "RPLS 5883") set in the east line of the aforementioned Briarglen, marking a southwest corner of the herein described tract;

THENCE, North 00° 12' 49" East, 168.85 feet with the east line of said Briarglen to the **POINT OF BEGINNING** and containing 0.6769 acre (29,487 square feet) of land. The basis of bearings for this description is the south R.O.W. line of San Felipe Road as shown on said plat of Briarglen. This description is based on the ALTA/ACSM Land Title Survey and map made by GEOBASE INC., dated April 26, 2006, GEOBASE Project Number 06042-022-001.



LINE TABLE

LINE	LENGTH	BEARING
L1	166.15	EAST
L2	200.09	S00°26'43"W
L3	46.43	N89°36'36"W
L4	30.10	N00°23'24"E
L5	119.00	N89°36'36"W
L6	168.85	N00°12'49"E
L7	84.06	EAST
L8	179.71	S00°15'00"E
L9	67.49	S89°45'00"W
L10	20.00	S00°15'00"E
L11	19.00	S89°45'00"W



SURVEYOR'S CERTIFICATE

I hereby certify to PMSV/River Oaks, LP, San Felipe Joint Venture, Wachovia Bank, National Association, and Stewart Title Guaranty Company that on the 26th day of April, 2006, this survey was made on the ground as per the field notes shown on this survey and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown thereon, that the area or quantity of the subject property as set forth in this survey is accurate to the nearest one ten thousandth (1/10,000) of an acre, and that this survey correctly shows the location on the subject property of all easements, rights-of-way, improvements, signs, fences, drainage ditches, railroads, streams, building setback lines (as set forth in the Title Commitment described below), party walls, encroachments, above-ground storage tanks, and evidence of underground storage tanks, which are visible on the ground, or which are of record as set forth on the Commitment for Title Insurance issued by Stewart Title Guaranty Company, GF# 06112182, with an Effective Date of June 19, issued June 23, 2006, and the location of all utilities existing or serving the subject property as determined by observable evidence.

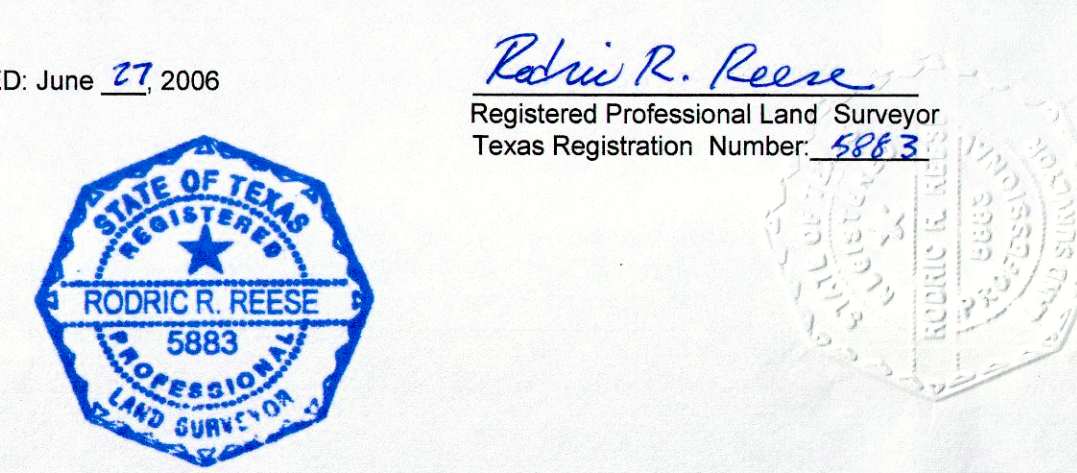
Encroachments as used herein means encroachments onto the subject property by visible improvements on adjacent property, rights-of-way or easements, and encroachments onto adjacent property, rights-of-way, easements or building setback lines (as set forth in said Title Commitment) by any visible improvements on the subject property.

Tracts I and III of the subject property have ingress and egress to and from San Felipe Road (from the curb cut on Tract III) and such street is a paved, dedicated public right-of-way maintained by the City of Houston.

No part of the subject property lies within an identified "flood prone area" or area which is subject to "special flood hazard," as depicted on the applicable Flood Insurance Rate Map, as described in Note 3.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Land Title Survey of the subject property.

DATED: June 27, 2006



- GENERAL NOTES:**
- This survey was performed with the benefit of a commitment for title insurance prepared by Stewart Title Company, G.F. No. 06112182, effective date of June 19, 2006. This surveying company has not performed abstracting to determine if additional easements, restrictions or other encumbrances of record may exist.
 - Bearings shown hereon are oriented to the bearing base reflected in the recorded plat of BRIARGLEN, Volume 43, Pg. 59, Map Records, Harris County, Texas
 - This tract lies entirely within Zone "X", unshaded, defined as "Areas Outside the 500 year floodplain", as per National Flood Insurance Program FIRM Map Panel Number 480201C0855K, latest available published revision dated April 20, 2000.
 - This tract may be subject to the developmental requirements delineated in City of Houston Ordinance Number 85-1878 recorded under H.C.C.F. Number N253886 and amended by City of Houston Ordinance Number 1999-262 (unrecorded), which stipulates platting and setbacks constraints. Proposed usage of this tract will determine actual building setback line(s) along any adjoining streets. Refer to City of Houston building codes to establish minimum published setback requirements. Ultimately the City of Houston Planning Commission will determine required setbacks upon review of plans or plats submitted to said Commission. This tract may require platting as a condition of receiving building permits.
 - Fences shown hereon are graphic only, with dimensioned ties shown at specific locations where they were physically measured; the fence lines may meander between said measured locations.
 - All easements and building lines shown hereon are per plat unless cited otherwise.
 - All property corners of have been marked with a 5/8 inch steel rebar with a yellow plastic cap stamped "RPLS 5883" placed in the ground to monument the corner unless noted otherwise.
 - Per commitment for title insurance this tract is subject to:
 - Deeds of record under H.C.C.F. No. F198206 and H.C.C.F. No. F208888.
 - "Memorandum of Lease" of record under H.C.C.F. No. T102206.
 - This wall is subject to "Party Wall Agreement" of record under H.C.C.F. No. S924026.
 - This property line is subject to "Agreement as to Encroachments" of record under H.C.C.F. Nos. T131516.
 - This tract has 20 parking spaces as striped on the ground. (2 are handicapped spaces)
 - Separate metes and bounds exist for Tracts I, II, & III shown hereon.
 - Transmission tower approx. 75 feet high with cellular communications apparatus.
 - The roof of building has architectural appurtenances that overlap the property line as shown.
 - The east and west walls of building have numerous entrances and overhead doors.

LEGEND

■	CURB INLET
●	MANHOLE(MH)
○	UTILITY POLE(UP)
■	GRATE INLET
↑	GUY ANCHOR(GA)
◆	FIRE HYDRANT(FH)
■	WATER METER(WM)
■	WATER VALVE(WV)
■	SIGN (SN)
●	GUARD POST/BOLLARD(BOL)
●	IRRIGATION CONTROL VALVE(ICV)
●	SANITARY CLEANOUT(CO)
■	LIGHT STANDARD
■	TELEPHONE PEDESTAL
○	GAS METER

REV. NO.	DESCRIPTION	DATE	APP.
1.	REVISED	6/26/06	

ALTA/ACSM LAND TITLE SURVEY OF THREE TRACTS SITUATED IN THE WILLIAM W. WHITE 1/3 LEAGUE, ABSTRACT 836 4712 SAN FELIPE ROAD, CITY OF HOUSTON HARRIS COUNTY, TEXAS

GEOBASE SUITE 109
10900 NORTHWEST FREEWAY
HOUSTON, TEXAS 77092
LAND SURVEYORS 713.682.4545 FAX 713.682.4530

DRAWN BY: RRR	SCALE: 1"=20'	KEY MAP: 453S
CHECKED BY: RRR	DATE: APR 27, 2006	DWG NO. 06042-022-001
APPROVED BY: RRR	FIELD BOOK: G06	SHEET 1 OF 1

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Doug Mulvaney, as an authorized representative of PMSV River Oaks 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.

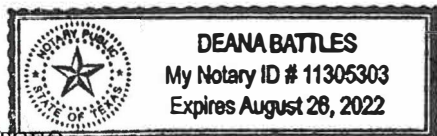
Doug Mulvaney
Signature

Date: OCTOBER 23, 2019

Doug Mulvaney
Printed Name
President of General Partner
Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 23 day of October 2019, to which witness my hand and seal of office.



Deana Battles
Notary Public in and for the State of Texas