

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*

December 14, 2020

Mr. Michael Tavakoli, Owner  
Epix, L.L.C.  
7830 Westpark Drive  
Houston, Texas 77063-6416

Via Email

Re: Municipal Setting Designation (MSD) Certificate for Litton Resources Systems Site, located at 3930 Westholme Drive, Houston, Harris County, Texas; Voluntary Cleanup Program No. 2117; MSD No. 432; Customer No. CN605743376; Regulated Entity No. RN100602325

Dear Mr. Tavakoli:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on December 20, 2019 and additional information supporting this MSD application on January 30, 2020, March 16, 2020, July 16, 2020, July 29, 2020 and August 27, 2020. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code §361.804. Enclosed is the MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2603 or via e-mail ([Heather.Podlipny@tceq.texas.gov](mailto:Heather.Podlipny@tceq.texas.gov)).

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Podlipny".

Heather Podlipny, Project Manager  
VCP-CA Section  
Remediation Division

Enclosure: MSD Certificate

cc: Mr. Michael Marcon, P.G., CAPM, Vice President, Principal, InControl Technologies, Inc. (via email)  
Ms. Thea Marino, TJM Real Estate Management Corporation (via email)  
Ms. Alma Jefferson, Waste Section Manager, TCEQ Houston Region Office, R-12 (via email)

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, Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 432, 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 14 day of December, 2020

\_\_\_\_\_  
Beth Seaton, Deputy Director  
Remediation Division  
Texas Commission on Environmental Quality

County: Harris  
 Project: 3930 Westholme Drive (MSD)  
 Job No.: 175567  
 MBS No.: 17-146

### FIELD NOTES FOR 3.0561 ACRES

Being a tract containing 3.0561 acres of land located in the John H. Walton Survey, Abstract No. 852, Harris County, Texas. Said 3.0561 acres being that certain call 3.0561 acre tract of land recorded in the name of TJM Real Estate Management Corporation in Harris County Clerk's File (H.C.C.F.) No. 20080099448; Said 3.0561 acres being part of Lot 8, in Block 1, of Westpark Center, Section Four, according to the map or plat thereof recorded in Volume 126, Page 18 of the Harris County Map Records (H.C.M.R.). Said 3.0561 acres being more particularly described by metes and bounds as follows (bearings are referenced to the said plat of Westpark Center, Section Four):

**COMMENCING** at the northerly cutback corner at the northeast intersection of Dunvale Drive, a 70-foot wide Right-of-Way (R.O.W.), and Westpark Drive, a 120-foot wide R.O.W., and being at the most westerly southwest corner of said Lot 8 and a call 2.746 acre tract of land (styled "Tract II") recorded in the name of Detering Properties, Ltd. in H.C.C.F. Nos. U822706 and U822707;

**THENCE**, with the east R.O.W. line of said Dunvale Drive and the west line of said Lot 8 and said 2.746 acre tract, North 00 degrees 16 minutes 01 second West, a distance of 498.86 feet to the northwest corner of said 2.746 acre tract, the southwest corner of said 3.0561 acre tract and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, continuing with said east R.O.W. line and the west line of said 3.0561 acre tract, North 00 degrees 16 minutes 01 second West, a distance of 302.21 feet to the northwest corner of said 3.0561 acre tract and the southwest corner of a call 1.011 acre tract of land recorded in the name of Kipp, Inc. in H.C.C.F. No. 20080119098;

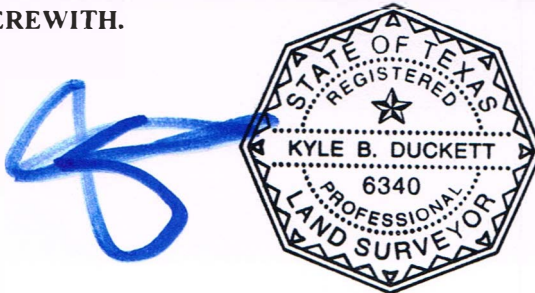
**THENCE**, with the common line between said 3.0561 acre tract and said 1.011 acre tract, North 89 degrees 29 minutes 09 seconds East, a distance of 439.86 feet to the northeast corner of said 3.0561 acre tract, the southeast corner of said 1.011 acre tract and being on the west R.O.W. line of Westholme Drive, 60-foot wide;

**THENCE**, with said west R.O.W. line and the east line of said 3.0561 acre tract, South 00 degrees 30 minutes 51 seconds East, a distance of 302.21 feet to the southeast corner of said 3.0561 acre tract and the northeast corner of a call 2.255 acre tract (styled "Tract I") recorded in the name of Detering Properties, Ltd. in H.C.C.F. Nos. U822706 and U822707;

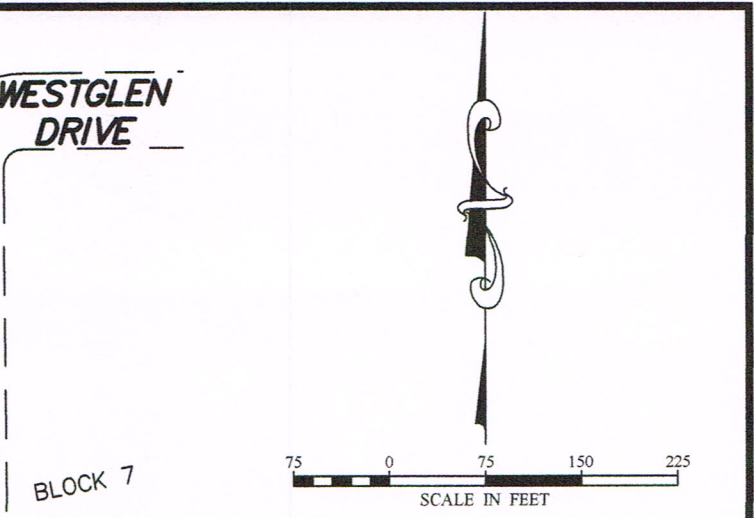
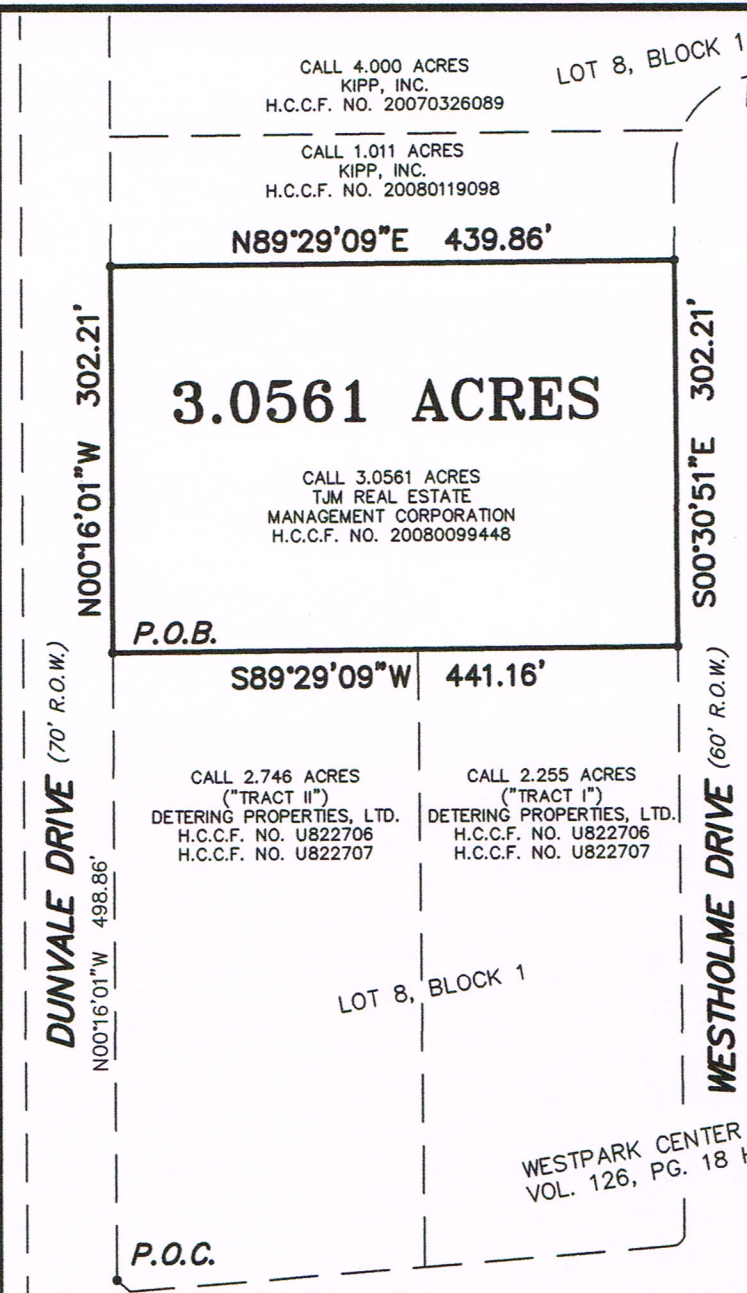
**THENCE**, with the south line of said 3.0561 acre tract and north lines of said 2.255 and 2.746 acre tracts, South 89 degrees 29 minutes 09 seconds West, a distance of 441.16 feet to the **POINT OF BEGINNING** and containing 3.0561 acres of land.

**THIS DESCRIPTION WAS PREPARED BASED ON MAPPING THE VESTING DEED AND PLAT OF RECORD FOR WESTPARK CENTER, SECTION FOUR, AS DESCRIBED HEREIN; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY; AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY. SEE BOUNDARY EXHIBIT PREPARED OF EVEN DATE HERewith.**

**GBI Partners, L.P.**  
 TBPLS Firm # 10130300  
 Ph: 281.499.4539  
 June 26, 2017







**LEGEND**

H.C.C.F. HARRIS COUNTY CLERKS FILE  
 H.C.M.R. HARRIS COUNTY MAP RECORDS  
 PG. PAGE  
 P.O.B. POINT OF BEGINNING  
 P.O.C. POINT OF COMMENCING  
 R.O.W. RIGHT-OF-WAY  
 VOL. VOLUME

**NOTES:**

1.) ALL BOUNDARY INFORMATION IS SHOWN BASED ON MAPPING THE DEED OF RECORD FOR THE 3.0561 ACRE TRACT, AS DESCRIBED HEREIN; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY; AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY.

2.) EXCEPT AS SHOWN, ALL IMPROVEMENTS, EASEMENTS, BUILDING LINES, RESTRICTIONS AND RIGHTS-OF-WAY HAVE BEEN INTENTIONALLY OMITTED FROM THIS EXHIBIT PER REQUEST OF THE CLIENT.

3.) SEE SEPARATE METES AND BOUNDS PREPARED OF EVEN DATE HEREWITH.

**ADDRESS:**  
 3930 WESTHOLME DRIVE  
 HOUSTON, TEXAS 77063

**BOUNDARY EXHIBIT**

**3.0561 ACRE**

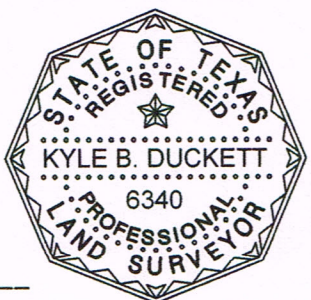
BEING A CALL 3.0561 ACRE TRACT OF LAND RECORDED IN THE NAME OF TJM REAL ESTATE MANAGEMENT CORPORATION IN H.C.C.F. NO. 20080099448 AND BEING OUT OF LOT 8, IN BLOCK 1 OF WESTPARK CENTER, SECTION FOUR ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 126, PAGE 18 OF THE H.C.M.R.

LOCATED IN THE  
 JOHN H. WALTON SURVEY, A-852  
 HARRIS COUNTY, TEXAS

I CERTIFY THAT THIS PLAT REPRESENTS THE BOUNDARY OF A CALL 3.0561 ACRE TRACT AS DESCRIBED HEREIN BASED ON RECORD BOUNDARY INFORMATION IN H.C.C.F. NO. 20080099448.

GBI PARTNERS, L.P.

*[Handwritten signature]*



KYLE B. DUCKETT  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 6340



**GBI PARTNERS, L.P.**  
 LAND SURVEYING CONSULTANTS  
 13340 S. GESSNER RD. • MISSOURI CITY, TX 77489  
 PHONE: 281-499-4539 • www.gbisurey.com  
 TBPLS FIRM # 10130300

SCALE: 1" = 150'	JOB NO. 175567	DATE: 06/26/2017
CREW CHIEF: N/A	FIELD BOOK: N/A	DWG.: 17-146EX

R:\Data\2017\175567\DWG\17-146EX.dwg

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Thea Marino, as an authorized representative of TJM Real Estate Management, 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)

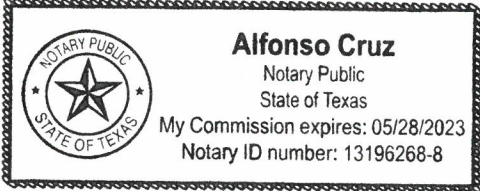
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the 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.

Thea Marino  
Signature

Date: 12/17/19

THEA MARINO  
Printed Name

CFO & TREASURER  
Title



STATE OF Texas  
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 17 day of December 2019, to which witness my hand and seal of office.

Alfonso Cruz  
Notary Public in and for the State of Texas