

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

January 7, 2021

Mr. William B. Harrison, Manager
BFH Ranching, Ltd.
1000 Louisiana Street, Suite 7000
Houston, Texas 77002

Via e-mail

Re: Municipal Setting Designation (MSD) Certificate for BFH Ranching, Ltd., Olshan Lumber Property Site, located at 2611 Commerce Street, 15, 25 & 41 N. Live Oak Alley, 2420, 2600 & 2714 Canal Street, and 27 North Delano Street, Houston, Harris County, Texas; Voluntary Cleanup Program (VCP) No. 2932; Municipal Settings Designation (MSD) No. 442; Regulated Entity No. RN110377561; Customer No. CN605519974

Dear Mr. Harrison:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on July 7, 2020 and additional information supporting this MSD application on October 27, 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 via e-mail (timothy.eckert@tceq.texas.gov).

Sincerely,

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

Timothy Eckert
VCP-CA Section
Remediation Division

TJE/jdm

Enclosure: MSD Certificate

cc: Ms. Alma Jefferson, Waste Section Manager, TCEQ Houston Regional Office, R-12 (pdf via e-mail)
Mr. Darrell R. Maudlin, P.G., SKA Consulting, LP (pdf via e-mail)
Mr. Gregory Lewis, Lewis Property Co. (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, Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 442, 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 7th day of January, 2021

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

**DESCRIPTION OF
9.676 ACRES/421,526 SQUARE FEET
HARRIS COUNTY, TEXAS**

A description of 9.676 acres (421,526 square feet) tract of land situated in the Samuel M. Williams Survey, Abstract Number 87, Harris County, Texas and being all of Blocks I and II, being all of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19), in Block III, together with a called 15' wide alley along the east side of said Block II of Lubbock Grove, a subdivision of record in Volume 1, Page 44, of the Harris County Map Records (H.C.M.R.), and being all of Lots 1, 2, and 3, in Block 6, of said Lockart Addition, said tracts being all of the land described in Exhibit "A", Parcels 4, 5 and 2 respectively in a Special Warranty Deed conveyed to BFH Mining, LTD, recorded in Clerk's File Number 20140457726 of the Official Public Records of Real Property, Harris County, Texas (O.P.R.R.P.H.C.T) and corrected in a Correction Instrument recorded in Clerk's File Number 20140560673 of the O.P.R.R.P.H.C.T (Grantee name corrected from BFH Mining, LTD. to BFH Ranching, LTD., and being all of Lots Four (4), Five (5), Ten (10) and Eleven (11) and a portion of the Busse Homestead Site, all in Block 6 of said Lockart Addition, together with easterly portions of Lots Five (5), Eight (8) Ten (10) and Twelve (12) of Block II of said Lubbock Grove Subdivision, said tracts being all of that tract described in Exhibit "A" in a Special Warranty Deed to Eado Land, LLC in Clerk's File Number 20140439910 of the O.P.R.R.P.H.C.T., and being a portion of North Live Oak Street (50' wide) as shown said Lubbock Grove Subdivision, a portion of Canal Street (formerly German Street - 60' wide) as shown on said Lubbock Grove Subdivision and said Lockart Addition, and a portion of North Delano Street (formerly Shepherd Street - 60' wide) as shown on said Lockart Addition, and being more particularly described by metes & bounds as follows: (All bearings reference the Texas Coordinate System of 1983, South Central Zone 4204);

BEGINNING at 5/8 inch iron rod (no cap) found in the southerly right-of-way (R.O.W.) line of said Canal Street for the east corner of said Lot 16 of said Block III, the north corner of Lot 10 of said Block III, and a northerly corner of the herein described tract, and from which the east corner of said Lot 10 and the intersection of the southerly R.O.W. line of said Canal Street with the westerly R.O.W. line of said North Live Oak Street bears South 56 Degrees 56 Minutes 24 Seconds East, a distance of 100.00 feet;

THENCE, with the westerly line of Lots 10 and 9 of said Block III and the easterly line of said Lot 16, South 32 Degrees 51 Minutes 15 Seconds West, a distance of 100.00 feet to an "X" cut etched in concrete for the west corner of said Lot 9, the north corner of said Lot 8, and an interior corner of the herein described tract;

THENCE, with the southerly line of said Lot 9 and the northerly line of said Lot 8, South 56 Degrees 56 Minutes 24 Seconds East, a distance of 100.00 feet to a 5/8 inch iron rod with plastic cap stamped "MCKIM & CREED" set in the westerly R.O.W. line of said North Live Oak Street for the east corner of said Lot 8, the south corner of said Lot 9, and an interior corner of the herein described tract;

THENCE, with the easterly lines of said Lots 9 and 10 and with the westerly R.O.W. line of said North Live Oak Street, North 32 Degrees 51 Minutes 15 Seconds East, at a distance of 100.00 feet crossing the southerly R.O.W. line of said Canal Street, in all a total distance of 160.00 feet to a point in the northerly R.O.W. line of said Canal Street, for a northerly corner of the herein described tract;

THENCE, with the northerly R.O.W. line of said Canal Street, South 56 Degrees 56 Minutes 24 Seconds East, a distance of 625.35 feet to a point for the most easterly corner of the intersection of said Canal Street and said North Delano Street, for the most easterly corner of the herein described tract;

Description of 9.676 Acres/421,526 square feet

THENCE, crossing said Canal Street and with the easterly R.O.W. line of said North Delano Street, South 32 Degrees 53 Minutes 36 Seconds West, a distance of 575.60 feet to a point in the northerly R.O.W. line of Commerce Street (60' wide), for the most southerly corner of the herein described tract;

THENCE, with northerly R.O.W. line of said Commerce Street, the southerly line of said Lockart Addition Block 6, said 15' wide alley, said Lubbock Grove Subdivision Block I, the southerly R.O.W. of said North Live Oak Street and the southerly line of said Lot 1, Block III, a distance of 724.96 feet to an "X" cut etched in concrete for the south corner of that certain call 0.982 of one acre tract (identified as T. U. Lubbock on said Plat of Lubbock Grove) described in a Deed of Trust to Nickson Commerce Industrial, L.L.C. in Clerks' File Numbers V614810 and V631099 of the O.P.R.R.P.H.C.T., the west corner of said Lot 1, and the lower west corner of the herein described tract;

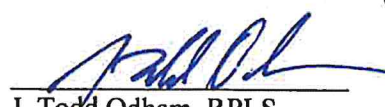
THENCE, with the easterly line of said Nickson Tract, the westerly lines of said Lots 1 through 5, Block III, North 32 Degrees 51 Minutes 15 Seconds East, a distance of 244.50 feet to a point which falls within the exterior limits of a metal building for the east corner of said Nickson tract, the south corner of said Lot 17, Block III, and an interior corner of the herein described tract;

THENCE, with the northerly line of said Nickson tract, the southerly line of said Lot 17, Block III, North 56 Degrees 54 Minutes 09 Seconds West, a distance of 75.00 feet to a point for the south corner of the south ½ of Lot 15, Block III, the west corner of said Lot 19, and the upper west corner of the herein described tract;

THENCE, with the easterly line of said Lots 15, 14, 13, 12 and 11 of said Block III and the westerly line of said Lots 19 and 18 of said Block III, North 32 Degrees 51 Minutes 15 Seconds East, a distance of 270.58 feet to a 5/8 inch iron rod with plastic cap stamped "MCKIM & CREED" set in the southerly R.O.W. line of said Canal Street for the east corner of said Lot 11 and the most northerly corner of said Lot 18 and the herein described tract;

THENCE, with the southerly R.O.W. line of said Canal Street and the northerly line of said Lots 18 and 16, South 56 Degrees 56 Minutes 24 Seconds East, a distance of 75.00 feet to the **POINT OF BEGINNING** and containing 9.676 acres (421,526 square feet) of land.

THIS LEGAL DESCRIPTION IS A COMPILATION OF EXISTING DESCRIPTIONS PREPARED UNDER 22 TAC §663.21, IT IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.


J. Todd Odham, RPLS
Texas Registration No. 6062

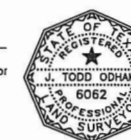


GRAPHIC SCALE

(IN FEET)

1 inch = 40 ft.


J. Todd Odham, RPLS
Registered Professional Land Surveyor
Texas Registration Number 6062
Date signed: 4/16/2019



HISD RUSK ELEMENTARY
SCHOOL SUBDIVISION
E.C. No. 642252 H.C.M.B.

PROJECT # : 07716-0001
 PROJ. SVYR : J. Todd Odham
 DRAWN BY : J.T.O.
 DATE: April 12, 2019
 SCALE: 1" = 40'
 DWG #: SV-SURV 07716-0001
 MSD EXHIBIT_041219.dwg

SHEET # : 1 OF 1

[illegible]

 **McKIM & CREED**
ENGINEERS, SURVEYORS, PLANNERS
9960 West Sam Houston Parkway South, Suite 200
Houston, TX 77099
713.659.0021
www.mckimcreed.com
TBPIS Firm Registration No. 101776-00

The seal appearing on this document was authorized by J. Todd Odham, RPLS #6062 on April 12, 2019. Alterations of a sealed document without proper notification to the responsible surveyor is an offense under the Texas Professional Land Surveying Practices Act. The record copy of this drawing is on file at the offices of McKim & Creed, Inc., 9960 West Sam Houston Parkway South, Suite 200, Houston, Texas 77099, TBP15 Firm Registration Number 101776-00.


Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
William B. Harrison, as an authorized representative of
BFH Ranching, Ltd., 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: 18 June 2020

William B. Harrison

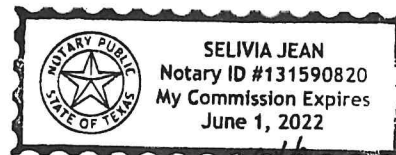
Printed Name

Manager

Title

STATE OF Texas

COUNTY OF Harris



June SUBSCRIBED AND SWORN before me on this the 18th day of
2020, to which witness my hand and seal of office.


Notary Public in and for the State of Texas